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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

NOTICE OF TERMINATION OF TERMS AND CONDITIONS OF 1951–52 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The offer contained in the "Terms and Conditions of 1951–52 Commodity Credit Corporation Wheat and Wheat-Flour Export Program" effective June 12, 1951 (§§ 571.125 to 571.188 inclusive), is terminated as of June 23, 1952, 3:30 p. m., e. s. t., with respect to sales made after such date. Payment on sales made prior to the termination date of this offer shall be at the rate in effect at the time of such sale.

(Secs. 2 and 3, 63 Stat. 945, 946, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642)

Dated this 19th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6871; Filed, June 23, 1952; 9:00 a. m.]

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1952–53 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

GENERAL

Sec.
571.225 General statement.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

571.230 General conditions of eligibility.
571.231 Time of sale.
571.232 Date of exportation.
571.233 Exports to eligible countries.
571.234 Excess quantities exported.
571.235 Reports.
571.236 Proof of export.
571.237 Reentry or diversion.
571.238 Wheat and flour exported prior to sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

571.240 Announcement of rates.
571.241 Determination of rates.
571.242 Conversion factors.
571.243 Statement of status of purchases and sales.
571.244 Maximum and minimum prices.

CONFIRMATION OF SALE

571.248 Confirmation of sale.
571.249 Eligibility for entry in the Wheat Council's records.

ELIGIBLE COUNTRIES

571.253 Eligible countries.

REPORTS

571.255 Notice of sale.
571.256 Declaration of sale and evidence of sale.
571.257 Notice of export.
571.258 Additional reports.

APPLICATION FOR PAYMENT

571.260 Application for payment.
571.261 Public Voucher Form FDA-564.
571.262 Documents required to evidence exportation by exporter.
571.263 Submission of vouchers for payment.

OBLIGATION AND DEFAULT

571.265 Exporter's agreement with CCC.
571.266 Cancellation of sale or failure to export.

MISCELLANEOUS PROVISIONS

571.270 Records and accounts.
571.271 Assignments.
571.272 Good faith.
571.273 Amendment and termination.
571.274 Persons not eligible.
571.275 Submission of Reports.

DEFINITIONS

571.280 Vice President.
571.281 Wheat Agreement.
571.282 Wheat Council.
571.283 Wheat.
571.284 Flour.
571.285 Export.

(Continued on p. 5627)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Sec.
571.226 Ocean carrier.
571.227 United States.
571.228 3:30 e. s. t.

AUTHORITY: §§ 571.225 to 571.228 issued under secs. 2 and 3, 63 Stat. 945, 946, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642.

GENERAL

§ 571.225 *General statement.* In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) pursuant to the authority conferred by Public Law 421, 81st Congress, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request directed to the address shown in § 571.275, or from the Director, PMA Commodity Office; U. S. Department of Agriculture, located in the cities listed in § 571.263.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

§ 571.230 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of wheat or flour exported to an eligible country from the United States and the net quantity of wheat or flour in customs bond in Canada exported to an eligible country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale for which he has received a confirmation by the Vice President of Commodity Credit Corporation, who is the Assistant Administrator for Commodity Operations, Production and Marketing Administration (referred to in this subpart as Vice President), in accordance with § 571.248, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter

for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the Vice President subject to the conditions contained in § 571.238.

(b) No export payment will be made for wheat or flour exported in a mixture which is partly derived from wheat produced outside the United States.

(c) In any case where the Wheat Council, subsequent to confirmation by the Vice President, determines that a sale, or any part thereof, is ineligible to be, or to remain, recorded because of non-compliance with the applicable regulations of the importing country governing purchase and importation under the International Wheat Agreement, payment may be withheld by the Vice President or required to be refunded if already made.

§ 571.231 *Time of sale.* Sales entered into after the date of this offer and not later than June 30, 1953, for recording against the 1951–52 or 1952–53 Wheat Agreement year quotas, are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment. Under no circumstances shall a sale be considered as entered into until the purchase price has been established. The time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 571.255 (a) and present documentary evidence that the sale was consummated at such time.

§ 571.232 *Date of exportation.* (a) Wheat and flour sold for recording against the 1951–52 Wheat Agreement guaranteed quantities must be exported by July 31, 1952, unless approval is obtained from the Vice President to export subsequent to July 31, 1952. Wheat or flour sold for recording against the 1952–53 Wheat Agreement guaranteed quantities must be exported during the period August 1, 1952 and July 31, 1953, inclusive, unless approval is obtained from the Vice President to export either prior to or subsequent to that period.

(b) Wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained from the Vice President changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension from the Vice President to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's and importer's control and is not due to intentional violation of the contract.

§ 571.233 *Exports to eligible countries.* Exports of wheat or flour under this program shall be made only to the eligible country named in the Notice of Sale and the Declaration of Sale, and to a buyer identified with the Declaration of Sale and supporting evidence of sale unless:

(a) The buyer identified with the Declaration of Sale directs that shipment be made to another Wheat Agreement country,

(b) The Government of the eligible country named in the Notice of Sale and Declaration of Sale or the Government of the eligible country to which shipment is directed consents to the recording of the sale against its guaranteed quantity, and

(c) The exporter obtains, prior to export, authority from the Vice President to export to an eligible country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 571.234 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity, unless clearance is obtained from the Vice President, in which case a new Declaration of Sale and a new confirmation of sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent or a loading tolerance as specified in the contract but not to exceed 5 percent.

§ 571.235 *Reports.* The exporter shall submit the reports and documents specified in §§ 571.255 to 571.258, inclusive.

§ 571.236 *Proof of export.* Proof of export and submission of specified supporting documents must have been made in accordance with § 571.262.

§ 571.237 *Reentry or diversion.* If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment has already been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Vice President: *Provided,* That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the eligible country. The exporter shall notify the Vice President immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 571.238 *Wheat and flour exported prior to sale.* (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to an eligible country.

(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Vice President within one week after the date of such exportation as defined in § 571.285 unless additional time for reporting is granted by the Vice President. This report which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat and flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity:

(i) Wheat in bushels;

(ii) Flour in net hundredweight.

(6) Class and grade of wheat; or type and extraction of flour.

(7) The report shall also contain a statement that the vessel contains wheat or flour sold to an eligible country under the terms of the Wheat Agreement by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to an eligible country as provided in this subpart shall be reported in paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons.

(d) At such time as the wheat or flour is sold to an eligible country, the exporter shall report the sale to the Vice President as provided in § 571.255, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Vice President as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale,

whichever is the lower for the current export rate period, which applies (1) to the port from which the wheat or flour was exported, and (2) to the eligible country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 571.262, the exporter will be required in the case of flour to submit with Public Voucher Form FDA–564 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, except as modified by paragraphs (a), (b), (c), (d), and (e) of this section are applicable to sales described by this section.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 571.240 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Announcement of rates will be released at approximately 3:30 p. m., e. s. t. (see § 571.288), and will remain in effect until 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective after 3:30 p. m., e. s. t., on Friday will be considered as in effect until 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through eight PMA Commodity Offices at Portland (Oregon), San Francisco, Minneapolis, Kansas City (Missouri), Dallas, Chicago, New Orleans and New York City. Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors, may be announced for the same period.

§ 571.241 *Determination of rates.* The rate in effect at the time of sale or the time of giving Notice of Sale, as required by § 571.255 (a), whichever rate is the lower, shall be the rate applicable to the sale. In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter, in form prescribed in § 571.256 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale:

(a) Time of filing by the exporter of a cablegram or other written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance by the foreign buyer of a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or other written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraphs (a), (b), or (c) of this section, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(e) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day established in accordance with paragraphs (a), (b), (c), or (d) of this section, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 571.242 *Conversion factors.* (a) If a single per bushel payment rate applicable to both wheat and flour is in effect, the following conversion factors shall be used to determine the wheat equivalent (in bushels) of flour:

	Bushels per 100 pounds flour
Whole wheat flour	1.67
Patents and straight grade flour (up to 72 percent extraction)	2.33
Flour clears	2.33
80 percent extraction flour	2.17
Semolina and Farina	2.33

(b) If a separate per hundredweight payment rate for flour is in effect, the following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Patents and straight grade flour (up to 72 percent extraction)	1.000
Flour clears	1.000
Semolina and Farina	1.000
80 percent extraction flour	.931
Whole wheat flour	.717

If sales are made at any other extraction rates between 72 and 100 percent, a conversion factor will be furnished by the Vice President upon request.

§ 571.243 *Statement of status of purchases and sales.* The Vice President will issue not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. The Vice President will furnish to any exporter upon request such information as he has available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 571.244 *Maximum and minimum prices.* Maximum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by the Vice President. The Wheat Agreement provides that to such maximum prices may be added such carrying charges and marketing costs as may be agreed between buyer and seller. (See § 571.255 (b) (3) (i)). The Vice President also will announce minimum prices when appropriate.

CONFIRMATION OF SALE

§ 571.248 (a) *Confirmation of sale.* Upon receipt of the Notice of Sale required by § 571.255 the Vice President will confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment upon proof that the conditions set forth in this program have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the U. S. the maximum benefits under the Wheat Agreement. Accordingly, it may be to the exporter's advantage in some instances to ascertain from the Vice President prior to making a sale whether the sale may be confirmed. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of the Vice President to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records, will be confirmed.

(b) *Assigning of numbers.* Each confirmation by the Vice President will be assigned a number which shall be called the PMA Sales Number. This number will be included in the confirmation of sale, and thereafter shall be shown on the Declaration of Sale (See § 571.256), the Notice of Export, and Voucher Form FDA–564, and in all correspondence with reference to the transaction.

§ 571.249 *Eligibility for entry in the Wheat Council's records.* The Wheat Agreement provides that:

(a) *Wheat.* A transaction or part of a transaction in wheat-grain between a participating exporting and importing country is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) *Provided,* That (i) it is at a price (determined to be the equivalent price at port of export to No. 1 Manitoba Northern bulk wheat in store Fort William-Port Arthur, Canada), not higher than the maximum nor lower than the minimum in effect during the crop year in which the loading period specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the exporting and importing countries concerned have unfilled guaranteed quantities for the crop year, and (ii) that the loading period specified in the transaction falls within that crop year.

(b) *Flour.* If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed that the price of such flour is consistent with the maximum or minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is not such statement or agreement as specified in this paragraph, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justified the entry of the transaction in the records.

ELIGIBLE COUNTRIES

§ 571.253 *Eligible countries.* An eligible country shall be any one of the following countries, including all territories for the foreign relations of which the Government of that country is responsible, unless announcement has been made excepting certain territories:

Austria.	Italy.
Belgium.	Japan.
Bolivia.	Lebanon.
Brazil.	Liberia.
Ceylon.	Mexico.
Costa Rica.	Netherlands.
Cuba.	New Zealand.
Denmark.	Nicaragua.
Dominican Republic.	Norway.
Ecuador.	Panama.
Egypt.	Peru.
El Salvador.	Philippines.
Germany.	Portugal.
Greece.	Saudi Arabia.
Guatemala.	Spain.
Haiti.	Sweden.
Honduras.	Switzerland.
Iceland.	Union of South Africa
India.	United Kingdom.
Indonesia.	Venezuela.
Ireland.	
Israel.	

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

REPORTS

§ 571.255 *Notice of sale*—(a) *Time.* (1) Notice of the consummation of a sale of wheat or flour for export shall be given to the Vice President within the time stated in the rate announcement as the final time for filing such notices, unless such time is extended by the Vice President.

(2) The order in which transactions are reported (time of filing telegraphic notice or time of giving telephonic notice) assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filed by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph.

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed before 3:30 p. m., e. s. t., on the expiration date shown in the rate announcement.

(4) A Notice of Sale may include all sales made to any one eligible country during any 24-hour period ending at 3:30 p. m., e. s. t. It shall be normal practice when such multiple sales are submitted on one telegraphic Notice of Sale to assign one PMA Sales Number to apply to all sales to a particular country shown on that telegram. Sales made to any one eligible country during any 24-hour period which are reported on separate telegrams will be assigned individual PMA Sales Numbers.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date and time of sale.

(2) Contract quantity:

(i) Wheat in bushels.

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent.

(iii) Flour in net hundredweight.

(3) Sale price:

(i) In the case of wheat, the sale price must be shown on an f. o. b. vessel bulk basis, except that on exports from West Coast ports price may be given on an in-store basis. In addition, the coast of export must be shown. If, because of marketing costs and carrying charges as provided for in § 571.244, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included as charges for marketing costs and carrying charges, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown but the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the terms of the Wheat Agreement. This may be reported by the code word "Akord."

(4) Purchasing country.

(5) Name of purchaser. (In cases in which the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(6) The Number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Vice President.

(7) Delivery period specified in contract.

(8) Class and grade of wheat.

(9) The word "Abroad" for wheat or flour exported prior to sale. (See § 571.238 (d).)

(10) Such additional information in individual cases as may be requested by the Vice President.

§ 571.256 *Declaration of sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it to the Vice President normally within two days after receipt of the Vice President's confirmation.

(2) The Declaration of Sale must be submitted in triplicate where there is only one buyer, and in quadruplicate where there is more than one buyer. The original and all copies shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Vice President. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) One Declaration of Sale normally should be submitted by the exporter for each sale identified by a PMA number assigned in the Confirmation of Sale (see § 571.248 (b)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the PMA Sales Number on the respective declarations.

(b) *Information required.* The information to be entered on the Wheat Agreement Form No. 1, Declaration of Sale, is as follows:

(1) The PMA Sales Number as assigned in the Confirmation of Sale.

(2) Date and time of sale.

(3) Name of purchaser, or purchasers.

(4) The Number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such are required for IWA transactions. The applicable number(s) shall be entered following each buyer's name. All applicable numbers shall be so entered, even though such numbers were reported in the Notice of Sale.

(5) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five percent, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight.

(6) Purchasing country. (If the country of final destination is other than the purchasing country the country of final destination shall be shown on a parenthetical entry following the name of the purchasing country.)

(7) Delivery period specified in the contract.

(8) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled must be shown where possible. For example, "Hard Spring."

(9) Price and basis upon which price determined:

(i) The sales price in the case of wheat must be given on an f. o. b. vessel bulk basis on exports from Gulf and East Coast ports and on an in-store or f. o. b. vessel, bulk, basis on exports from the West Coast ports. If, because of marketing costs and carrying charges as provided for in § 571.244, the sales price of wheat exceeds the maximum price, the Declaration shall show the total price and the amount thereof included as charges for marketing costs and carrying charges, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) The price for flour must be given as stated in the sales contract.

(10) Export rate per bushel of wheat or per hundredweight of flour in effect as determined by § 571.241.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Such additional information in individual cases as may be requested by the Vice President.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company
(Trade name)
U. S. Milling Company
(s) John Smith, *Secretary*

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts exchanged between exporter and buyer. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 571.257 *Notice of export*—(a) *Time of submission and required copies.* Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such Notice of Export must be filed by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Vice President.

(b) *Information required.* The Notice of Export shall contain the following information:

(1) PMA sales number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale:

(i) Wheat in bushels, excluding dockage.

(ii) Flour in net hundredweight.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown. This information should be entered on Wheat Agreement Form No. 2 even though not specifically called for on the form.

(6) Such additional information in individual cases as may be requested by the Vice President.

§ 571.258 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Vice President, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 571.260 *Application for payment.* The exporter shall file application for payment under this program in the manner set forth in §§ 571.261 and 571.263.

§ 571.261 *Public Voucher Form FDA–564.* An original and two (2) copies of Form FDA–564 must be prepared and submitted together with the evidence of exportation set forth in § 571.262. Supplies of Form FDA–564 and detailed instructions regarding the preparation and submission of Forms FDA–564 and supporting documents may be obtained from the PMA Commodity Offices listed in § 571.263 or from the office indicated in § 571.275.

§ 571.262 *Documents required to evidence exportation by exporters*—(a) *Bills of lading or Shipper's Export Declaration.* Each voucher must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat or flour is destined for the buyer identified with the Declaration of Sale and supporting evidence. Where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one authenticated copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official, which identifies the shipment(s) and shows date of clearance into the foreign country. In the case of wheat, the voucher must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector holding a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada, and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph. If the final destination of the shipment is an eligible country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination.

(b) *Shipper or consignor other than exporter.* If the shipper or consignor named in the on-board ocean bill(s) of lading of the Shipper's Export Declaration(s), covering wheat or flour exported, is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) *Statements evidencing resale.* In connection with the sale of wheat or flour under the Wheat Agreement to an eligible country which is resold for export to another eligible country, the following additional documents must be included with the voucher:

(1) A statement by appropriate government authority of the original purchasing country, or the government of the eligible country to which shipment is directed, to CCC to the effect that the sale may be recorded against the Wheat Agreement guaranteed quantity of that country. A copy also should be submitted to the Vice President. (In some cases this statement may be furnished directly to the Vice President at the discretion of the appropriate authority of the purchasing country instead of being submitted with the voucher, in which event appropriate notation should be made on the voucher.)

(2) A statement from the buyer directing shipment to the second Wheat Agreement country if the contract or supporting evidence of sale does not provide for such shipment.

(d) In the event of export prior to sale such additional documents as required by § 571.238 (f) must also accompany the voucher.

§ 571.263 *Submission of vouchers for payment.* Exporters should submit vouchers and required supporting documents to the offices listed below which service the States in which the exporters' invoicing office is located.

OFFICE

Director, PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Morais Street, New Orleans 16, La.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Director, PMA Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio.

Director, PMA, Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.: New Mexico, Oklahoma, Texas.

Director, PMA Commodity Office, U. S. Department of Agriculture, Fidelity Building, 9th Walnut Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, PMA Commodity Office, U. S. Department of Agriculture, Gamble-Skogmo Building, 15 North Eighth Street, Minneapolis 3, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, PMA Commodity Office, U. S. Department of Agriculture, 139 Centre Street, New York 13, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, PMA Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Idaho, Oregon, Washington.

Director, PMA Commodity Office, U. S. Department of Agriculture, Rincon Annex, P. O. Box 3638, San Francisco 19, Calif.: Arizona, California, Nevada, Utah.

OBLIGATION AND DEFAULT

§ 571.265 *Exporter's agreement with CCC.* Giving Notice of Sale to CCC by the exporter, when confirmed by CCC, shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart, in consideration of the undertaking of CCC to make an export payment.

§ 571.266 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Vice President promptly in every case where, after giving Notice of Sale as required in § 571.255, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the CCC promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation to the CCC by making shipment within the prescribed period.

(b) If the Vice President determines that any exporter due to the cancellation of a sale or failure to export or for other reasons, has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe. Such terms, among other things, may

(1) Require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

MISCELLANEOUS PROVISIONS

§ 571.270 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 571.271 *Assignments.* No exporter shall, without the written consent of the Vice President, assign any right of the exporter against the CCC under this subpart. The exporter may, however, name a joint payee on Voucher Form FDA–564.

§ 571.272 *Good faith.* If the Vice President determines that any exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both.

§ 571.273 *Amendment and termination.* This offer may be amended or terminated by the Vice President at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 571.274 *Persons not eligible.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 571.275 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Vice President, should be addressed as follows:

Chief, Wheat Agreement Staff,
Production and Marketing Administration
(in telegrams: "PMA"),
U. S. Department of Agriculture;
Washington 25, D. C.

DEFINITIONS

§ 571.280 *Vice President.* "Vice President" means the Vice President of the Commodity Credit Corporation who is Assistant Administrator for Commodity Operations, Production and Marketing Administration.

§ 571.281 *Wheat Agreement.* "Wheat Agreement" means the International Wheat Agreement ratified by the President on June 17, 1949, pursuant to the advice and consent of the Senate.

§ 571.282 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 571.283 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at time of loading for export.

§ 571.284 *Flour.* "Flour" means flour processed in the United States from wheat as defined in § 571.283, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat-flour.

§ 571.285 *Export.* Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the eligible country is wholly by truck or rail, when the shipment clears United States Customs.

§ 571.286 *Ocean carrier.* "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.

§ 571.287 *United States.* "United States" includes the territories and possessions of the United States.

§ 571.288 *3:30 e. s. t.* "3:30 e. s. t." means 3:30 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:30 e. s. t., means 3:30 eastern daylight saving time (2:30 e. s. t.).

Effective time and date. This offer shall be effective on June 23, 1952, at 3:30 p. m., e. s. t.; however, sales may not be made for recording against the 1952–53 Wheat Agreement guaranteed quantity of any importing country until authorized in the daily export payment rate announcement (see § 571.240.)

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6887; Filed, June 23, 1952; 9:00 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

WINTER PEARS

On May 13, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4352) regarding proposed amendments to the United States Standards for Winter Pears. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following amendments are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

1. In § 51.332 (d) (8) (i) (*d*) insert variety name "Flemish Beauty" after "Easter Beurre."

2. In § 51.332 (d) (10) (iv) (*d*) insert the name "Flemish Beauty" after "Easter Beurre."

3. Add a sentence to the end of the paragraph under subdivision (c) of § 51.332 (d) (12) (i), to read as follows: "On Flemish Beauty smooth russeting shall be permitted on the entire surface."

Effective time. The amendments to the United States Standards for Winter Pears contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of June 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6842; Filed, June 23, 1952; 8:53 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations, as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694; 17 F. R. 2109, 5081), the following counties have been designated for insurance for the 1952 crop year.

Iowa: Osceola.
Minnesota:
Becker.
Big Stone.
Blue Earth.
Minnesota—Con.
Brown.
Chippewa.
Clay.
Cottonwood.
Faribault.
Jackson.
Kittson.
Lac qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Meeker.
Murray.
Nobles.
Norman.
Olmsted
Pennington.
Pipestone.
Polk.
Pope.
Redwood.
Renville.
Rice.
Rock.
Roseau.
Traverse.
Watonwan.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Grand Forks.
La Moure.
McLean.
Nelson.
Pembina.
Ramsey.
Richland.
Steele.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Day.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. and Sup. 1507-1509)

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-6872; Filed, June 23, 1952; 9:00 a. m.]

[Appendix 1]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110), the following counties have been designated for insurance for the 1952 crop year.

Alabama:
Cherokee.
Chilton.
Cullman.
DeKalb.
Etowah.
Houston.
Jackson.
Lauderdale.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona: Pinal.
Arkansas:
Chicot.
Crittenden.
Desha.
Faulkner.
Hempstead.
Lawrence.
Lincoln.
Monroe.
Pulaski.
Georgia:
Bartow.
Burke.
Carroll.
Dooly.
Gordon.
Whitfield.
Louisiana:
Bienville.
Caddo.
Franklin.
Louisiana—Con.
Morehouse.
Natchitoches.
Richland.
Washington.
Mississippi:
Attala.
Bolivar.
Coahoma.
Covington.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Marion.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Walthall.
Washington.
New Mexico:
Chaves.
Eddy.
Dona Ana.
North Carolina:
Cleveland.
Gaston.
Lincoln.
Mecklenburg.
Polk.
Rutherford.
Oklahoma:
Beckham.
Custer.
South Carolina:
Anderson.
Chesterfield.
Greenville.
Lee.
Newberry.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Hardeman.
Lake.
Lauderdale.
McNairy.
Texas:
Bell.
Burleson.
Collin.
Crosby.
Texas—Continued
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hunt.
Lamar.
Lamb.
Lubbock.
Lynn.
McLennan.
Milam.
Navarro.
Red River.
Taylor.
Williamson.

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-6839; Filed, June 23, 1952; 8:53 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1953-54 MARKETING YEAR

Sec.
728.301 Basis and purpose.
728.302 National marketing quota for wheat for 1953-54 marketing year.
728.303 1953 acreage allotments for wheat.

AUTHORITY: §§ 728.301 to 728.303 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 304, 332, 333, 335, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1304, 1332, 1333, 1335, 1371.

§ 728.301 *Basis and purpose.* The regulations contained in §§ 728.301 to 728.303 are issued to announce that no national marketing quota for wheat shall be in effect during the marketing year beginning July 1, 1953, and that no national, State, county, or farm acreage allotments for wheat will be established for the 1953 crop under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

Section 335 of the act provides, in effect, that whenever in the calendar year 1952 the Secretary of Agriculture determines (1) that the total supply of wheat for the 1952-53 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1951-52 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year did not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1952, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1953-54 marketing year. Section 332 of the act requires the Secretary, not later than July 15 of each marketing year, to ascertain and proclaim the total supply and the normal supply of wheat for such marketing year and to proclaim the national acreage allotment for the next crop of wheat.

Section 371 (b) of the act authorizes the Secretary of Agriculture to dispense with marketing quotas or acreage allotments for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act, it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

Pursuant to Section 371 (b) of the act, an investigation has been made to determine whether marketing quotas should be proclaimed for the 1953–54 marketing year. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency, that marketing quotas should not be proclaimed for the 1953–54 marketing year. Accordingly § 728.302 states that no quotas will be in effect for that marketing year.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1953 wheat crop. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency, to dispense with national, State, county, and farm acreage allotments for the 1953 wheat crop. That action is made effective by the issuance of § 728.303.

Prior to taking the action herein, public notice was given (17 F. R. 4655), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1953 wheat crop, and to determine and proclaim the national acreage allotment for that wheat crop. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.302 *National marketing quota for wheat for the 1953–54 marketing year.* The average farm price for wheat has not been as low as 66 per centum of the parity price for wheat for three successive months in the 1951–52 marketing year. The total supply of wheat for the 1952–53 marketing year is determined to be 1,604 million bushels. The normal supply of wheat for such marketing year is determined to be 1,253 million bushels. This total supply exceeds the normal supply by more than 20 per centum. However, pursuant to the applicable provisions of the act, including section 371 (b), it has been determined that no national marketing quota for wheat shall be in effect during the 1953–54 marketing year.

§ 728.303 *1953 acreage allotments for wheat.* No national, State, county or farm acreage allotments will be established for the 1953 wheat crop.

Issued at Washington, D. C., this 19th day of June, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-6870; Filed, June 23, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, during May 12–16, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than June 20, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Detroit, Michigan marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held May 12–16, 1952, and the decision having been executed by the Secretary on June 16, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Detroit, Michigan marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 924.52 by inserting at the end of the first paragraph after the word "section" the following: "*Provided,* That for the months of May, June and July, there shall be credited to each handler with respect to butterfat used in the

manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over a price computed as the sum of the prices determined under subparagraphs (1) and (2) of paragraph (a) of this section less 67 cents, such excess to be multiplied by 0.18, and an amount per hundredweight of skim milk equal to such excess multiplied by 0.36."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 19th day of June 1952, to be effective on and after the 20th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6874; Filed, June 23, 1952; 9:00 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.427 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smller than a size that will pack a 6 x 6 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid. The aforesaid 5 x 6 standard pack and 6 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{3}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{3}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{1}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6946; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATIONS OF SHIPMENTS

§ 936.428 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{5}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6947; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.429 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that,

as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 13/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 9/16 inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper, shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6348; Filed, June 23, 1952; 8:59 a m]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.430 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any

preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this regulation, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measures less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6949; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.431 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are expected to begin on or about June 25, 1952, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of miscellaneous varieties of plums unless such plums grade at least U. S. No. 1.

(2) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulation applicable to such shipment.

(3) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the term "U. S. No. 1," shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6950; Filed, June 23, 1952; 9:00 a. m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.432 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett

pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 26, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed two hundred (200) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point of such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{13}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6951; Filed, June 23, 1952; 9:00 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.309 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of

handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., June 25, 1952, and ending on 12:01 a. m., m. s. t., June 1, 1953, no handler shall ship potatoes of any variety unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum or larger diameter or 3 ounces minimum weight, except that no handler may ship potatoes of the red skin varieties unless (i) such potatoes meet the requirements of the U. S. No. 1 or better grade, 1⅞ inches minimum or larger diameter, (ii) such potatoes meet the requirements of the U. S. No. 2 or better grade, 1½ inches minimum or larger diameter, and (iii) such potatoes meet the requirements of the U. S. No. 1 grade, Size B, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) Pursuant to § 957.55, each handler may ship not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (3) of this paragraph and §§ 957.42 and 957.65.

(3) During the period beginning 12:01 a. m., m. s. t., June 25, 1952, and ending 12:01 a. m., m. s. t., November 1, 1952, no handler shall ship (i) Russet Burbank potatoes which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, (ii) potatoes of the red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes, and (iii) potatoes of the White Rose variety if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided,* That the grade and size requirements set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(4) The limitations set forth in subparagraphs (1) and (3) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) charity: *Provided,* That each handler prior to making special purpose shipments pursuant hereto shall file an application with the committee for permission to make such shipments, shall have each of such shipments (except shipments of seed potatoes) inspected pursuant to § 957.65 and shall pay assessments in connection therewith pursuant to § 957.42, and for each such shipment made pursuant to subdivisions (ii), (iv), and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further,* That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, or in the event that no export license is required on such shipment the handler thereof shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(5) The terms used in this section shall have the same meaning as when used in Order No. 57, as amended (7 CFR Part 957), and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952, to become effective 12:01 a. m., m. s. t., June 25, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6911; Filed, June 23, 1952; 9:00 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5799]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ZLOTNICK THE FURRIER, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.25 *Competitors and their products; competitors' prices;* § 3.30 *Composition of goods;* § 3.70 *Fictitious or misleading guarantee;* § 3.130 *Manufacture or preparation;* § 3.155 *Prices—comparative: Exaggerated as regular and customary: Savings and discounts subsidized: Usual as reduced, special, etc.;* § 3.200 *Sample, offer or order conformance;* § 3.260 *Terms and conditions.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.520 *Quality, grade, qualities or identity.* Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 3.675 *Delaying or withholding corrections, adjustments, returns or action owed.* Subpart—*Disparaging competitors and their products—Competitors' products:* § 3.1005 *Prices.* Subpart—*Misbranding or mislabeling:* § 3.1280 *Price.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2012 *Offers deceptively made and falsely evaded;* § 3.2060 *Sample, offer or order conformance;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale, or distribution of fur products in commerce, (1) representing, directly or by implication, that the customary or regular price of respondents' merchandise is any amount in excess of the price at which such merchandise is being offered for sale or has been sold by respondents in recent regular course of business, or otherwise misrepresenting the customary or regular price of respondents' merchandise; (2) representing, directly or by implication, that respondents' regular prices are reduced prices or that any savings are afforded to purchasers of respondents' garments in excess of those savings actually afforded; (3) using pictures or illustrations purporting to be bona fide illustrations of garments therein identified as to grade, type or price which are being offered in respondents' stores, unless any garment so designated is in stock or otherwise available to customers under the conditions stated in such advertising matter and at such price as may be designated in the advertisement; (4) representing, directly or by implication, that respondents' prices are lower than those charged by competitors unless respondents' prices are lower than prevailing competitive prices for merchandise of like grade and quality or representing that respondents' prices are so low as to cause competitors to seek to buy respondents' garments for resale when such is not the case; (5) representing, directly or by implication, that respondents' garments are in any manner guaranteed unless the terms of such guarantee or warranty are clearly disclosed in immediate conjunction therewith and unless respondents in fact afford guarantee or security represented, or enforcing or attempting to enforce any policy of refusing to permit the return of merchandise or to make refunds therefor when the enforcement of any such policy would be in derogation of any guarantee made in connection with the sale of respondents' merchandise; (6) representing that such of respondents' garments as are characterized by defective or inferior materials or workmanship are of high quality, that merchandise fashioned in old or discontinued styles are superbly or modernly styled or that garments made from damaged, or old or obsolete less valuable furs contain luxurious peltries; (7) representing that trade-in allowances on old or previously used fur coats may be obtained by purchasers of new garments from respondents when the prices of respondents' merchandise have been advanced above respondents' regular prices in any amount serving to nullify or offset such allowances; (8) representing, directly or by implication, that delivery of merchandise will be made to purchasers upon payment made or completed of one-third or any other part of the pur-

chase price of garments sold or which have been laid aside for the customer under respondents' lay-away plan without clearly and simultaneously disclosing that the time of delivery depends upon establishment of a credit rating acceptable to respondents for payment of the balance due; or using any other sales plan which misleads or deceives purchasers or enables respondents' salesmen to mislead or deceive purchasers respecting the terms and conditions under which possession of respondents' merchandise will be accorded to the customer; (9) marking respondents' merchandise with prices in excess of those at which respondents expect to sell such merchandise in regular course of business; (10) removing or stripping identifying markings from garments at the time of delivery thereof to purchasers for the purpose of eliminating purchasers' knowledge as to the exact garment being delivered or failing to provide customers with written data identifying the garments purchased by them in instances in which the respondents have appropriated from or required the return from customers of purchase contract agreements or other documentary identification of the garments being sold; (11) failing to deliver to any purchaser complying with the terms of the sales agreement the garment selected and bought by such purchaser; (12) refusing to refund the payments of any purchaser who has complied with the terms of the sales agreement in instances in which respondents fail to deliver to the purchaser the garment bought and selected by him; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Zlotnick The Furrier, Inc., et al., Washington, D. C., Docket 5799, March 31, 1952]

In the Matter of Zlotnick the Furrier, Inc., a Corporation, Samuel D. Zlotnick, Sidney Zlotnick, and Mrs. Renee Z. Kraft, Individually and as Officers of Zlotnick the Furrier, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 17, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' joint answer, pursuant to leave to withdraw such original answer and to file a substitute answer dated September 20, 1950, as granted by the hearing examiner of the Commission duly designated in the complaint to act in this proceeding, respondents' substitute answer was filed, in which answer the respondents admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to the facts. On January 3, 1951, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, counsel supporting the complaint and respondents filed notices of their intention to appeal from the initial decision of the hearing examiner, said appeals subsequently were filed herein, and the proceeding regularly came on for final consideration by the Commission upon the complaint, the substitute answer, the initial decision of the hearing examiner, the appeals therefrom, briefs filed in support of and in opposition to said appeals, and oral argument; and the Commission, having duly considered the record and having ruled upon said appeals and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, Zlotnick The Furrier, Inc., a corporation, and its officers, representatives, agents and employees, and respondents, Samuel D. Zlotnick, Sidney Zlotnick, and Mrs. Renee Z. Kraft, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that the customary or regular price of respondents' merchandise is any amount in excess of the price at which such merchandise is being offered for sale or has been sold by respondents in recent regular course of business, or otherwise misrepresenting the customary or regular price of respondents' merchandise.

(2) Representing, directly or by implication, that respondents' regular prices are reduced prices or that any savings are afforded to purchasers of respondents' garments in excess of those savings actually afforded.

(3) Using pictures or illustrations purporting to be bona fide illustrations of garments therein identified as to grade, type or price which are being offered in respondents' stores, unless any garment so designated is in stock or otherwise available to customers under the conditions stated in such advertising matter and at such price as may be designated in the advertisement.

(4) Representing, directly or by implication, that respondents' prices are lower than those charged by competitors unless respondents' prices are lower than prevailing competitive prices for merchandise of like grade and quality or representing that respondents' prices are so low as to cause competitors to seek to buy respondents' garments for resale when such is not the case.

(5) Representing, directly or by implication, that respondent's garments are in any manner guaranteed unless the terms of such guarantee or warranty are clearly disclosed in immediate conjunction therewith and unless respondents in fact afford the guarantee of security represented, or enforcing or attempting to enforce any policy of refusing to permit the return of merchandise or to make refunds therefor when the enforcement of any such policy would be in derogation of any guarantee made in connection with the sale of respondents' merchandise.

(6) Representing that such of respondents' garments as are characterized by defective or inferior materials or workmanship are of high quality, that merchandise fashioned in old or discontinued styles are superbly or modernly styled or that garments made from damaged, or old or obsolete less valuable furs contain luxurious peltries.

(7) Representing that trade-in allowances on old or previously used fur coats may be obtained by purchasers of new garments from respondents when the prices of respondents' merchandise have been advanced above respondents, regular prices in any amount serving to nullify or offset such allowances.

(8) Representing, directly or by implication, that delivery of merchandise will be made to purchasers upon payment made or completed of one-third or any other part of the purchase price of garments sold or which have been laid aside for the customer under respondents' lay-away plan without clearly and simultaneously disclosing that the time of delivery depends upon establishment of a credit rating acceptable to respondents for payment of the balance due; or using any other sales plan which misleads or deceives purchasers or enables respondents' salesmen to mislead or deceive purchasers respecting the terms and conditions under which possession of respondents' merchandise will be accorded to the customer.

(9) Marking respondents' merchandise with prices in excess of those at which respondents expect to sell such merchandise in regular course of business.

(10) Removing or stripping identifying markings from garments at the time of delivery thereof to purchasers for the purpose of eliminating purchasers' knowledge as to the exact garment being delivered or failing to provide customers with written data identifying the garments purchased by them in instances in which respondents have appropriated from or required the return from customers of purchase contract agreements or other documentary identification of the garments being sold.

(11) Failing to deliver to any purchaser complying with the terms of the sales agreement the garment selected and bought by such purchaser.

(12) Refusing to refund the payments of any purchaser who has complied with the terms of the sales agreement in instances in which respondents fail to deliver to the purchaser the garment bought and selected by him.

It is further ordered, That the charges of the complaint referred to hereinbefore in the last two paragraphs of the "Conclusion" be, and the same hereby are, dismissed.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order,

[1] Filed as part of the original document.

file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 31, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6852; Filed, June 23, 1952; 8:55 a. m.]

[Docket 5853]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEN-O-PAK CO. AND LESTER ROTHSCHILD

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1490 *Nature in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2495 *Nature, in general.* In connection with the offering for sale, sale and distribution, or use in commerce, of forms, letters, cards, or any other written or printed material for use in obtaining information concerning debtors or alleged debtors, (1) using, or placing in the hands of others for use, any stationery in connection with the location of delinquent debtors or the collection of money due by a delinquent debtor, containing respondent's name, or any trade name used by him, unless the words "Collection Service" appear immediately in connection or conjunction therewith in type of like or equal size; (2) representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought or that the information sought is for use in determining whether the person about whom information is requested may be the person for whom money or other property has been deposited, unless money or other property has in fact been so deposited and the amount of money or description or value of the property is accurately stated; (3) using the words "Manpower Classification Bureau" or any other words, which import or imply that respondent's business is that of gathering and furnishing information relative to employment, or that respondent's business is other than that of obtaining information concerning debtors or alleged debtors; (4) using the name "American Deposit System" or any other name which imports or implies that respondent is a depository or is engaged in the business of receiving and holding money for persons from whom or about whom information is sought; or, (5) using or placing in the hands of others for use forms, letters, cards, or any other printed or written material which represents, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lester Rothschild t. a. Gen-O-Pak Company, Chicago, Ill., Docket 5853, March 27, 1952]

In the Matter of Lester Rothschild Individually and Trading as Gen-O-Pak Company

This proceeding was heard by Webster Ballinger, hearing examiner, theretofore duly designated by the Commission, upon the amended complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence (which were duly recorded and filed in the office of the Commission) were introduced before said examiner in support of and in opposition to the allegations of said amended complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the amended complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by respective counsel, oral argument not having been requested, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "Order denying respondent's appeal from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5853, March 27, 1952, as follows:

This matter came on to be heard by the Commission upon the respondent's appeal from the initial decision of the hearing examiner herein and upon the briefs and oral argument of counsel in support of and in opposition to said appeal.

Respondent contends in said appeal that the hearing examiner's findings as to the facts and conclusion that the respondent has engaged in unfair and deceptive acts and practices in connection with the sale and use of certain post cards and form letters to obtain information from or concerning delinquent debtors, and his order against the continuation of such acts and practices, are not substantiated by the evidence in the record; and that the hearing examiner erred in failing to make certain conclusions of law to the effect that the activities of the respondent challenged in the amended and supplemental complaint are not in interstate commerce, that the relief sought is an attempt by the Commission to regulate the use of the mails, that the activities of the respondent do not as a matter of law constitute any deception or tendency to deceive, that the statements and representations made by the respondent are true, and that all of the acts and practices of the respondent are lawful, valid, and legitimate.

The record herein shows that the respondent sells certain post cards and form letters which are used to obtain information from or concerning delinquent debtors. The post cards and form letters are shipped by the respondent from his place of business in Illinois to customers located in various other States of the United States. Such customers address such cards and letters and return them to the respondent, who then mails them. Respondent trades under the names of "Gen-O-Pak Company", "Manpower Classification Bureau", and "American Deposit System". One of the cards sold and distributed by respondents contains the representation that the respondent is holding a package for the person from whom or about whom information is requested. The package referred to on the card is made up by the respondent and contains pen points and advertising matter relating to pen points. One of the form letters sent out by the respondent, under the trade name of "Manpower Classification Bureau", contains the representation that the respondent is operating a labor classification bureau or other bureau for the purpose of obtaining information as to the manpower or employment situation or the availability of manpower in certain areas. Another form sent out by the respondent, under the trade name of American Deposit System, contains the representation that a sum of money has been deposited with the respondent for the person from whom or about whom information is requested. Respondent's business, so far as recipients of the form letters are concerned, has nothing to do with manpower classification or employment surveys and no money has been deposited with the respondent for persons to whom the letters are sent. The only money sent by the respondent to such persons is 3 cents. The statements and representations contained in the post cards and form letters so sold and distributed by the respondent, as well as his use of the trade names "Manpower Classification Bureau" and "American Deposit System", clearly have the capacity and tendency to mislead and deceive the recipients of such cards and letters. It is immaterial that the record does not contain evidence of actual deception.

Respondent's contentions that the Commission is without jurisdiction in this matter because the respondent is not engaged in interstate commerce and also because the relief sought is an attempt to regulate the use of the United States mails, which power, if it exists, is vested solely in the Postmaster General of the United States, are without merit. As stated hereinabove, respondent sells and ships the cards and form letters to customers located in States other than the State of Illinois. After such cards and letters are addressed by such customers, they are returned to the respondent for mailing to the addressees and information received by respondent is forwarded to his customers. These acts and practices clearly constitute commerce as "commerce" is defined in the Federal Trade Commission Act. The Federal Trade Commission is vested with the duty and authority to prevent unfair and deceptive acts and practices in commerce. The fact that the respondent may have used the United States mails in connec-

[1] Filed as part of the original document.

tion with his engaging in the aforesaid unfair and deceptive acts and practices in commerce does not serve to divest the Commission of its authority and responsibility in this respect.

The Commission is of the opinion that the findings as to the facts in the hearing examiner's initial decision are supported by substantial, probative evidence in the record; that the conclusion contained therein is correct; and that the order is adequate and appropriate to provide proper relief from the respondent's unlawful acts and practices.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached, shall, on the 27th day of March, 1952, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent Lester Rothschild, individually and trading as Gen-O-Pak Company, or under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, or use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of forms, letters, cards, or any other written or printed material for use in obtaining information concerning debtors or alleged debtors, do forthwith cease and desist from:

(1) Using, or placing in the hands of others for use, any stationery in connection with the location of delinquent debtors or the collection of money due by a delinquent debtor, containing respondent's name, or any trade name used by him, unless the words "Collection Service" appear immediately in connection or conjunction therewith in type of like or equal size.

(2) Representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought or that the information sought is for use in determining whether the person about whom information is requested may be the person for whom money or other property has been deposited, unless money or other property has in fact been so deposited and the amount of money or description or value of the property is accurately stated.

(3) Using the words "Manpower Classification Bureau," or any other words, which import or imply that respondent's business is that of gathering and furnishing information relative to employment or that respondent's business is other than that of obtaining information concerning debtors or alleged debtors.

(4) Using the name "American Deposit System" or any other name which imports or implies that respondent is a depository or is engaged in the business of receiving and holding money for persons from whom or about whom information is sought.

(5) Using or placing in the hands of others for use forms, letters, cards, or any other printed or written material which represents, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts.

Issued: March 27, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6854; Filed, June 23, 1952; 8:55 a. m.]

[Docket 5939]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BASIC VEGETABLE PRODUCTS, INC., ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Maintaining resale prices:* § 3.1125 *Combination;* § 3.1130 *Contracts and agreements.* I. In connection with the offering for sale, sale and distribution of dehydrated or processed onion powder, garlic powder, onion flakes, or onions or garlic in any other processed forms, in interstate commerce, and on the part of four respondents, and on the part of their said officers, etc., performing, continuing, cooperating, participating or engaging in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to (1) exchange, distribute or relay by any method or means information in any form as to prices, terms and conditions of sale, trade discounts or volume discounts where the purpose or effect thereof is to fix, stabilize, or maintain prices, terms and conditions of sale, trade discounts or volume discounts; (2) fix, establish or maintain prices; (3) fix, establish or maintain terms and conditions of sale; (4) fix, establish or maintain trade discounts or volume discounts; (5) fix, establish or maintain any arrangement for resale prices, terms or conditions of sale; or (6) exchange, distribute or relay among the respondents or any of them or through any medium or central agency information concerning prices charged particular customers or information concerning sales or shipments when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the purpose or effect of aiding in securing compliance with the prices, terms or conditions of sale as announced by any one or more of the respondents; and, II, in connection with the offering for sale, sale and distribution of said product, separately or collectively, doing, performing, continuing, participating or engaging in, or carrying out any agreement, arrangement, act or practice providing for the establishment or maintenance of resale prices on any commodity herein involved between themselves or between other producers or between wholesalers or between brokers or between factors or between retailers or between persons, firms, or corporations in competition with each other; prohibited, subject to the provision, however, that nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Basic Vegetable Products, Inc., et al., Los Angeles, Calif., Docket 5939, March 18, 1952]

In the Matter of Basic Vegetable Products, Inc., Gentry, Incorporated, Puccinelli Packing Company, J. R. Simplot Company, Corporations, Their Officers, Directors, Agents, Representatives, and Employees

This proceeding was instituted by complaint, which charged respondents with the use of unfair methods of competition and unfair or deceptive acts and practices in violation of the provisions of section 5 of the Federal Trade Commission Act.

It was disposed of, as announced, by the Commission's "Notice" of acceptance of consent settlement through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on March 18, 1952, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondents Basic Vegetable Products, Inc., Gentry, Incorporated, Puccinelli Packing Company and J. R. Simplot Company, corporations, their officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of dehydrated or processed onion powder, garlic

[1] Filed as part of the original document.

powder, onion flakes or garlic flakes, or onions or garlic in any other processed forms, in interstate commerce, do forthwith cease and desist from doing, performing, continuing, cooperating, participating or engaging in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to do or perform any of the following acts or practices:

1. Exchanging, distributing or relaying by any method or means information in any form as to prices, terms and conditions of sale, trade discounts or volume discounts where the purpose or effect thereof is to fix, stabilize, or maintain prices, terms and conditions of sale, trade discounts or volume discounts.

2. Fixing, establishing or maintaining prices.

3. Fixing, establishing or maintaining terms and conditions of sale.

4. Fixing, establishing or maintaining trade discounts or volume discounts.

5. Fixing, establishing or maintaining any arrangement for resale prices, terms or conditions of sale.

6. Exchanging, distributing or relaying among the respondents or any of them or through any medium or central agency information concerning prices charged particular customers or information concerning sales or shipments when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the purpose or effect of aiding in securing compliance with the prices, terms or conditions of sale as announced by any one or more of the respondents.

It is further ordered, That the said respondents, separately or collectively, in connection with the offering for sale, sale and distribution of the said products, do forthwith cease and desist from doing, performing, continuing, participating or engaging in, or carrying out any agreement, arrangement, act or practice providing for the establishment or maintenance of resale prices on any commodity herein involved between themselves or between other producers or between wholesalers or between brokers or between factors or between retailers or between persons, firms, or corporations in competition with each other.

Provided, however, That nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6855; Filed, June 23, 1952; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53016]

PART 68—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTERNATIONAL TRADE FAIR AND INTER-AMERICAN CULTURAL AND TRADE CENTER AT NEW ORLEANS, LOUISIANA [1]

The following regulations under Public Law No. 290, 82d Congress, approved April 3, 1952, relate to the entry of articles in connection with the International Trade Fair and Inter-American Cultural and Trade Center to be held at New Orleans, Louisiana, November 30, 1953, to May 31, 1954.

Sec.

AUTHORITY: §§ 68.1 to 68.5 issued under Pub. Law No. 290, 82d Cong.

§ 68.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 290, 82d Congress, and valued at more than $100, are subject to the usual certified invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930 and the regulations issued thereunder. The certified invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International House, Incorporated, shall give to the collector of customs at New Orleans, Louisiana, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 290, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 68.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of New Orleans, Louisiana, in the name of the International House, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any

[1] SEC. 2. All articles which shall be imported from foreign countries for the purpose of exhibition at the International Trade Fair and Inter-American Cultural and Trade Center, to be held at New Orleans, Louisiana, from November 30, 1953, to May 31, 1954, inclusive, by the International House, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further,* That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further,* That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further,* That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further,* That the International House, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International House, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946, edition, title 19, sec. 1524).

person duly authorized in writing by the International House, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than New Orleans shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of New Orleans of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. .....

Entry at the port of New Orleans of articles consigned or transferred to the International House, Incorporated, under ..... I. T. No. ..... ex S. S. ..... on the ..... day of ....., 19....., for exhibition purposes under Public Law No. 290 of the 82d Congress, approved April 3, 1952.

Mark	Number	Package and contents	Quantity	Invoice	Value

INTERNATIONAL HOUSE, INC.,
By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 68.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 68.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR 8.33).

§ 68.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 68.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at New Orleans, Louisiana, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International House, Incorporated, to the Government, payment to be made monthly to the collector of customs, New Orleans, Louisiana, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 68.5 *Withdrawal of Articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn from entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 290 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: June 12, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6860; Filed, June 23, 1952; 8:58 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1952 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1952

JULY 1, 1952.

§ 129.15 *Calendar year, 1952.* * * *

(c) *Quarter beginning July 1, 1952.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1952, expressed

in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the lega gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.6931	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

JOHN S. GRAHAM,
Acting Secretary of The Treasury.

[F. R. Doc. 52-6829; Filed, June 23, 1952; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments have been made in the Armed Services Procurement Regulation as reflected in the document set forth below, dated March 1, 1952.

WILLIAM C. FOSTER,
Acting Secretary.

MAY 7, 1952.

PART 400—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

1. Place of delivery: Addition of § 400.306 states the uniform policy of the Armed Services with relation to payment of transportation charges for domestic and foreign procurements. Amendments to §§ 401.201 (c) (7) and 402.101 (d) serve as cross-indices.

§ 400.306 *Place of delivery.*

§ 400.306–1 *Domestic shipments.* Unless there are valid reasons to the contrary (such as, but not restricted to, industry practice, applicability of state taxes, or destination unknown) the procurement of supplies from sources and for delivery within the continental limits of the United States will be in accordance with the following policy:

(a) When it is estimated that any single contract will require a shipment to a single destination which will not equal a minimum carload lot (a minimum carload lot shall be deemed to be one which weighs approximately 20,000 pounds), delivery will be made on the basis of all transportation charges paid to destination.

(b) When it is estimated that any single contract will require a shipment of a minimum carload lot, delivery shall be either on the basis of (i) f. o. b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified city or shipping point, or (ii) all transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both bases set forth in this paragraph. Bids shall be evaluated on the basis of over-all cost to the Government.

§ 400.306–2 *Shipments outside the continental United States.* In the case of supplies purchased within the continental United States for ultimate delivery to destinations outside of the continental United States, wherever possible, regardless of the quantity of the shipment, delivery will be made on the basis of f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent re-shipment to a port area for export.

§ 400.306–3 *Shipments originating outside the continental United States.* In the case of shipments originating outside the continental limits of the United States, the policy with respect to place of delivery shall be in accordance with procedures prescribed by each respective Department.

(R. S. 161; 5 U. S. C. 22)

PART 401—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. Amendment to § 401.201 (c) (7) serves as a cross-index to § 400.306.

§ 401.201 *Preparation of forms.* * * *

(c) *Schedule.* * * *

(7) Time, place and method of delivery (see § 400.306 of this subchapter).

2. Waiver of bid bonds: Amendments to §§ 401.404 and 409.102 clarify the authority to waive bid bonds when the bidder fails to furnish such bonds by reason of inadvertence; these amendments are based on 31 Comp. Gen. 20.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 401.404 *Minor informalities or irregularities in bids.* The Contracting Officer shall give to the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid, or in the alternative, when it is not to the disadvantage of the Government, may waive any such deficiency when time does not permit the curing thereof. Illustrative examples of minor informalities or irregularities are the following: Failure to furnish required catalogs, cuts or descriptive data; failure to furnish information required by the Invitation for Bids concerning such matters as (a) number of employees and (b) place of manufacture.

§ 401.404–1 *Failure to furnish a bid bond.* Under certain circumstances, the failure to furnish a bid bond may be treated as a minor informality or irregularity in the bid. Such a deficiency may be cured or waived where it did not result from the inability of the bidder to obtain a bid bond because of its financial status or some similar reason, but was due to inadvertence or other excusable cause. The correction or waiver of such deficiency should be permitted only after a thorough investigation has been made of the facts pertinent to such deficiency and an excusable cause has been clearly established.

(R. S. 161; 5 U. S. C. 22)

PART 402—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

1. Amendment to § 402.101 serves as a cross-index to § 400.306.

§ 402.101 *Negotiation as distinguished from formal advertising.* * * *

(d) Consideration of delivery requirements (see § 400.306 of this subchapter).

SUBPART E—ADVANCE PAYMENTS

2. Advance payments: Amendments to §§ 402.502, 402.503, and 402.505, and new §§ 402.506 and 402.507 reflect recent changes in advance payments policy. Responsibility and authority for making advance payments is now vested in the Assistant Secretaries of each Department responsible for the comptroller function; interest will be charged at the rate of 4 percent per annum, except as specifically authorized; where the prime contractor receives interest-free advance payments, except in connection with certain specified contracts, he is required to charge and credit to the account of the Government, 4 percent interest on advances made to subcontractors and down payments; commitments in relation to advance payments may not be made without the approval of the Assistant Secretary above mentioned; advance payments must be restricted to interim cash needs arising during the reimbursement cycle; contracts for the acquisition of facilities at cost for Government ownership and GOCO profit type contracts are treated as ordinary profit contracts requiring interest on advance payments.

§ 402.502 *Authority to make advance payments.* Pursuant to the authority of section 5 of the act, advance payments may be made under negotiated contracts executed before or after the effective date of this regulation in any amount not exceeding the contract price and upon such terms as the parties shall agree, provided:

(a) Adequate security for such advance payments is obtained;

(b) Provision for advance payments is in the public interest or in the interest of national defense, as determined by the Assistant Secretary of a Department responsible for the comptroller function in accordance with the requirements of Subpart C of this part; and

(c) Provision for advance payments is necessary and appropriate in order to procure the required supplies or services, as determined by the Assistant Secretary of a Department responsible for the comptroller function in accordance with the requirements of Subpart C of this part.

§ 402.503 *Limitations on authority to make advance payments.* Advance payments shall not be authorized unless all of the following requirements are satisfied:

(a) No other contractor is available to furnish the desired supplies or services, upon terms satisfactory to the Department, without provision for advance payments;

(b) Generally, except for (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, and (ii) contracts solely for the management and operation of Government-owned plants, advance payments should not be authorized unless no other means of adequate financing is available to the contractor, and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible;

(c) Advance payments should be used sparingly and care should be taken to see that advances outstanding do not exceed the actual reasonable requirements for the contracts; the amount of the advance payment in any case should be based upon an analysis of the cash flow required under the contract and as a general rule should not exceed the interim cash needs arising during the reimbursement cycle;

(d) The Government may not be committed in any manner directly or indirectly to make an advance payment without the approval of the Assistant Secretary of a Department responsible for the comptroller function and no procurement involving advance payments may become final until such approval is obtained.

§ 402.505 *Interest on advance payments.* (a) Interest will be charged on all advance payments hereafter authorized at the rate of 4 percent per annum on the unliquidated balance: *Provided however*, Advance payments may be approved without interest when in connection with contracts which provide for performance at cost (without profit or fee to the contractor), or, in unusual cases, when specifically authorized by the Assistant Secretary of a Department responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, and cost-plus-mixed-fee or other profit type contracts for the management or operation of Government-owned plants, will be treated as ordinary profit contracts requiring interest on advance payments.

(b) Contracts with interest-free advance payments, hereafter authorized, should provide that the contractor will charge interest at the rate of 4 percent per annum on advances or down payments made by the contractor to subcontractors or material men on subcontracts or purchase orders related to such contract, during the period when such contractor is entitled to receive, or has outstanding, such interest-free advance payments from the Government, and that interest charged on such advances or down payments will be credited to the account of the Government. However, interest need not be charged on advances by the contractor in connection with non-profit subcontracts with nonprofit educational or research institutions for experimental, research, or development work.

§ 402.506 *Reports.* Each Department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Comptroller).

§ 402.507 *Resolution of disagreements.* If a disagreement arises between the financing office and the interested procuring activity in any Department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the Department concerned.

(R. S. 161; 5 U. S. C. 22)

PART 403—COORDINATED PROCUREMENT

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

1. Interdepartmental procurement: The use of DD Form 448 and DD Form 448–1 are now mandatory by amendment to § 403.109.

§ 403.109 *Preparation of purchase requests.* (a) DD Form 448, Military Interdepartmental Purchase Request, will be prepared by the Requiring Department to request the procurement of supplies or services from the Purchasing Department. This form, when received by the Purchasing Department, authorizes the Purchasing Department to purchase the supplies or services listed thereon or to furnish the items from stock, in accordance with agreements between the Departments concerned.

(b) Preparation of DD Form 448, Military Interdepartmental Purchase Request, and DD Form 448–1, Continuation Sheet, will be in accordance with procedures prescribed by each respective Department.

(R. S. 161, 6 U. S. C. 22)

PART 405—FOREIGN PURCHASES

SUBPART B—CANADIAN PURCHASES

1. Canadian Commercial Corporation: Section 405.201 has been amended to show a change of address for the Canadian Commercial Corporation.

§ 405.201 *Purchases from Canadian suppliers.* Any contract with a supplier or contractor located in the Dominion of Canada may be made with and administered through the Canadian Commercial Corporation (a corporation owned and controlled by the Government of Canada), which has offices at No. 2 Building, Lyon Street, Ottawa, and at 2001 Connecticut Avenue NW., Washington, D. C. Under any such contract made with the Canadian Commercial Corporation, direct communication with the Canadian supplier or contractor is authorized only in connection with problems of inspection and technical matters: *Provided*, That, if any such problem would affect the contract price, approval of the Canadian Commercial Corporation shall be obtained. All payments under any such contract made with the Canadian Commercial Corporation shall be made to that Corporation at its Washington office.

SUBPART C—DUTY AND CUSTOMS

2. Purchases of war material abroad: The form of the entry certificate to obtain exemption from duty has been changed by amendment to § 405.301–1.

§ 405.301–1 *Entry certificate.* The entry certificate referred to in § 405.301 will be printed, stamped, or typed on the face of Customs Form 7501 or at-

tached thereto, and will be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (Indicate Army, Navy, or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to the act of June 30, 1914 (34 U. S. C. 568) or section 12 of the act of February 19, 1948 (5 U. S. C. 219b, 626e)

(Name)

(Title) who has been designated to execute free-entry certificates for the above-named department

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(Grade) (Organization)

(R. S. 161; 5 U. S. C. 22)

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Default: A correction has been made to existing contract clause § 406.103–11 *Default*, by changing the word "delivery" in paragraph (d) line 5 to "deliver."

2. New contract clauses and amendments to existing clauses: Modifications to existing contract clauses § 406.103–21 *Termination for convenience of the Government* and § 406.104–11 *Vinson-Trammell Act*, together with new contract clauses §§ 406.103–22, 406.104–14, 406.104–15, and 406.104–16, covering Ceiling Prices, Subcontracting, Examination of Records and Gratuities, respectively, are set forth in the following Subpart A—Clauses for Fixed-Price Supply Contracts.

Section 406.103–21 *Termination for convenience of the Government.* Insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Part 407, Subpart G, of this subchapter, §§ 407.701 and 407.705–1.

§ 406.103–22 *Compliance with ceiling prices.*

CEILING PRICES

Contractor agrees that the prices invoiced hereunder will not exceed the lower of (i) the contract prices or (ii) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency. The above clause will be inserted in all contracts, irrespective of dollar value, including purchase orders under $1,000, except contracts with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions.

§ 406.104–11 *Vinson-Trammell Act.* (a) In accordance with the requirement of section 3 of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311), and except as provided in paragraphs (b) and (c) of this section, any contract in an amount which exceeds or may exceed $10,000, known to be for the construction or manufacture of any complete aircraft or naval vessel, or any portion thereof, except contracts any of the receipts or accruals from which are subject to the Renegotiation Act of 1951, shall contain the following clause, except that in any advertised contract there may be inserted at the beginning of such clause the words "If this contract is in an amount which exceeds $10,000":

VINSON-TRAMMELL ACT

The Contractor agrees that this contract shall be subject to all the provisions of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311), and shall be deemed to contain all the agreements required by section 3 of said act; provided, however, that this clause shall not be construed to enlarge or extend by contract the obligations imposed by said act. In compliance with said act, the Contractor agrees to insert in such subcontracts hereunder as are specified in said act either the provisions of this clause or the provisions required by said act.

(b) In any contract where only certain items or lots totalling more than $10,000 are subject to the Vinson-Trammell Act, the foregoing clause should be modified to make the agreement of the Contractor applicable only to such items or lots. In any contract where only certain items or lots totalling $10,000 or less would otherwise be subject to the act, the foregoing clause should not be included in the contract even though the total amount of the entire contract exceeds $10,000.

(c) In any contract, otherwise subject to the Vinson-Trammell Act, for scientific equipment used for communication, target detection, navigation or fire control, as is designated by the Secretary of the Department concerned, the clause prescribed in paragraph (a) of this section shall not be included in such contract, and the following clause shall be inserted in lieu thereof:

VINSON-TRAMMELL ACT

The Secretary having designated the supplies called for by this contract to be scientific equipment used for communication, target detection, navigation or fire control, the provisions of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311) are not applicable to this contract.

§ 406.104–14 *Subcontracting.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions:

SUBCONTRACTING

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

§ 406.104–15 *Examination of records.* In accordance with the requirements of section 4 of the act, as amended, the following clause will be inserted in all negotiated fixed-price supply contracts.

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract with the Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 406.104–16 *Gratuities.* Insert the clause set forth below in all fixed-price supply contracts, except contracts with foreign governments obligating solely funds other than those contained in Department of Defense appropriation acts.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this Contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing, of such contract: *Provided*, That the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(R. S. 161; 5 U. S. C. 22.)

PART 409—BONDS AND INSURANCE

SUBPART A—BONDS

1. Waiver of bid bonds: Amendments to §§ 409.102 and 401.404, supra, clarify the authority to waive bid bonds when the bidder fails to furnish such bonds by reason of inadvertence; these amendments are based on 31 Comp. Gen. 20.

§ 409.102 *Bid bonds.* Bid bonds may be required when, and only when, the solicitation of bids for a contract to be entered into as a result of formal adver-

tising specifies that the contract is to be supported by a performance bond or by performance and payment bonds. Whenever a bid bond is required, the penal sum thereof shall be in an amount deemed adequate by the Contracting Officer for the protection of the Government.

(R. S. 161; 5 U. S. C. 22)

PART 411—LABOR

SUBPART A—BASIC LABOR POLICIES

1. Labor relations: The Departments may not take independent action with respect to labor matters without prior approval of the Office of the Assistant Secretary of Defense (Manpower and Personnel) and must also advise that office of any labor dispute which affects or threatens to affect important procurement. (See amendment to § 411.101.)

§ 411.101 *Labor relations.* Each Department shall maintain and encourage the best possible relations with industry and labor in order that the Government may procure needed supplies and services without delay. All problems arising out of the labor relations of private contractors, and all communications with labor organizations or Federal agencies relative thereto, shall be handled in accordance with procedures prescribed by each respective Department and consistently with the following general policy:

(a) The Departments shall exchange information with respect to labor matters for the purpose of maintaining a uniform labor policy throughout the Department of Defense.

(b) With respect to labor relations matters in general, each Department shall not take any independent action, the result of which would have the effect of establishing major policy, unless each such action falls within an established policy of the Department of Defense, or unless prior approval of the Office of the Assistant Secretary of Defense (Manpower and Personnel) has been obtained. Each Department must determine for itself what actions involve major policy. Recommendations for plant seizure or for injunctive action against labor or management would be examples of actions establishing major policy.

(c) Where any labor dispute significantly affects, or so threatens to affect, important procurement, the Department concerned shall notify the Office of the Assistant Secretary of Defense (Manpower and Personnel) and any other interested Department of all information relevant thereto.

(d) Each Department shall remain impartial in, and shall refrain from taking a position on the merits of, a dispute between labor and private management. No Department shall undertake the conciliation, mediation, or arbitration of a labor dispute.

(e) Each Department shall take other action in connection with labor relations problems which is consistent with its procurement responsibilities, as for example:

(1) Giving notice of the existence of a labor dispute, which affects, or threatens to affect, procurement of supplies or services, to the Government agency which has responsibility for conciliation, mediation, arbitration, or other action with respect thereto.

(2) Advising the Government agency, responsible for action with respect to labor disputes, or the parties to a labor dispute, of factual information pertaining to procurement of the supplies or services involved, to the extent consistent with security regulations.

(3) Seeking to obtain such voluntary agreement between management and labor as will permit, notwithstanding the general continuance of the dispute, uninterrupted procurement of military supplies and services, provided such activity does not involve the Department in the merits of a labor difference or dispute.

2. Overtime policy. Department of Defense policy with regard to wage and salary compensation is stated in the amendment to § 411.102. Where two or more Departments have current contracts in a single facility, there must be agreement prior to the authorization of overtime, etc., subject to resolution of any disagreements by the Munitions Board.

§ 411.102 *Wage and salary compensation.* It shall be the policy of each Department that contracts will be performed, so far as practicable, without the use of overtime, extra-pay shifts, or multi-shifts. This policy may permit the authorization of overtime, extra-pay shifts and multi-shifts when it is necessary to meet essential deadlines in the performance of the contract. Such an authorization shall, wherever practicable, be limited to and be the minimum required for, the accomplishment of specific work.

(a) Prior to the authorization of overtime, extra-pay shifts and multi-shifts, consideration should be given to the practicability of using other facilities for the furnishing of all or a portion of the supplies or services.

(b) Where two or more Departments have current contracts in a single facility, there will be an agreement between the interested Departments on the authorization of overtime, prior to such authorization. In the event the Departments concerned are unable to reach an agreement, the matter will be referred promptly through the Departmental member of the Munitions Board to the Munitions Board for decision.

(c) The above policy should not be construed to authorize payment for overtime, extra-pay shifts and multi-shifts where, under an existing contract, the contractor is already obligated without the right to additional compensation therefor to meet the desired delivery schedule, even though it is necessary for such a contractor to use overtime, extra-pay shifts or multi-shifts to meet such schedule.

(R. S. 161; 5 U. S. C. 22)

PART 414—CONTRACT COST PRINCIPLES

1. Cost principles—allowance of pension and retirement plans: Amendments to §§ 414.001, 414.204, 414.304, 414.403 and addition of §§ 414.600 and 414.601 establish cost interpretations with reference to allowability of pension and retirement plans.

§ 414.001 *Effective date of part.* This part shall be complied with on and after March 1, 1949, although compliance is authorized from the date of its issuance (but see Subpart F of this part as to effective dates of cost interpretations set forth therein).

SUBPART E—SUPPLY AND RESEARCH CONTRACTS WITH COMMERCIAL ORGANIZATIONS

§ 414.204 *Examples of items of allowable costs.* Subject to the requirements of § 414.201 with respect to the general basis for determining allowability of costs, and irrespective of whether the particular costs are treated by the contractor as direct or indirect, the following items of costs are considered allowable within the limitations indicated:

(a) Advertising in trade and technical journals, provided such advertising does not offer specific products for sale but is placed for the purpose of offering financial support to journals which are valuable for the dissemination of technical information within the contractor's industry (but see § 414.205 (a)).

(b) Bonds and insurance, including self-insurance (but see § 414.205 (p)).

(c) Compensation of corporate officers, executives and department heads. (The term "compensation" includes all amounts paid or set aside, such as pension and retirement benefits in accordance with the interpretation set forth in § 414.601, salaries, royalties, license fees, bonuses, and deferred compensation benefits. The total compensation of an individual may be questioned and the amount allowed may be limited; and in connection therewith, consideration will be given to the relation of the total compensation to the services rendered).

(d) Depreciation and depletion, based on cost of acquisition (but see § 414.205 (b) and (o)).

(e) Directors and executive committee fees and expenses; the expenses of stockholders meetings, annual reports, and reports and returns prepared for governmental authorities; and registry and transfer charges resulting from changes in ownership of securities issued by the contractor.

(f) Freight, transportation, and material handling.

(g) Improvement of working conditions, employer-employee relations, and standards of performance.

(h) Jigs, dies, fixtures, patterns, drawings, and special tools.

(i) Legal, accounting, and consulting services and related expenses (but see § 414.205 (d) and (l)).

(j) Manufacturing and production engineering, that is, engineering related immediately to manufacturing and production as distinguished from research, experimentation, and development.

(k) Materials and supplies.

(l) Memberships in trade, business and professional organizations.

(m) Miscellaneous office and administrative services and supplies, including communication expenses.

(n) Overtime compensation for direct or indirect labor, to the extent expressly

provided for elsewhere in the contract or otherwise authorized by the Government.

(o) Patents, purchased designs, and royalty payments, to the extent expressly provided for elsewhere in the contract or otherwise authorized by the Government.

(p) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.205 (p)).

(q) Plant maintenance and protection.

(r) Recruiting (including "help wanted" advertising) and training of personnel.

(s) Research and development specifically applicable to the supplies or services covered by the contract.

(t) Salaries and wages, direct and indirect (but see § 414.204 (c)).

(u) Subcontracts and purchase orders.

(v) Taxes (but see § 414.205 (i) and (r)).

(w) Traveling expenses.

(x) Vacation, holiday and severance pay, sick leave and military leave, to the extent required by law, by employer-employee agreement or by the contractor's established policy.

SUBPART C—RESEARCH CONTRACTS WITH NONPROFIT INSTITUTIONS

§ 414.304 *Examples of items of allowable costs.* Subject to the requirements of § 414.301 with respect to the general basis for determining the allowability of costs, and irrespective of whether the particular costs are treated by the contractor as direct or indirect, the following items of cost are considered allowable within the limitations indicated:

(a) Bonds and insurance, including self-insurance (but see § 414.305 (k)).

(b) Freight, transportation, and material handling.

(c) Library expenses (but see § 414.303–1 (c)).

(d) Materials and supplies.

(e) Miscellaneous office and administrative services and supplies, including communication expenses.

(f) Patents, purchased designs, and royalties, to the extent expressly provided for elsewhere in the contract or otherwise authorized by the Government.

(g) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.305 (k)).

(h) Protection and maintenance of Government-owned or of rented equipment.

(i) Salaries and wages, direct and indirect (but see § 414.305 (1)).

(j) Subcontracts and purchase orders.

(k) Taxes (but see § 414.305 (e)).

(l) Traveling expenses.

(m) Vacation and sick leave pay, to the extent required by law, by employer-employee agreement or by the contractor's established policy.

SUBPART D—CONSTRUCTION CONTRACTS

§ 414.403 *Examples of items of allowable costs.* * * *

(q) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.404 (b), (d) and (m)).

SUBPART F—COST INTERPRETATIONS

§ 414.600 *Scope of subpart.* This new subpart sets forth interpretations of certain cost principles contained in other subparts of this section.

§ 414.601 *Pension and retirement plans.*

§ 414.601–1 *Effective date and applicability.* This cost interpretation pertains to §§ 414.204 (c), 414.204 (p), 414.304 (g) and 414.403 (q) and applies to contracts, executed as a date on or after January 1, 1952, of which the provisions of any such sections are made a part.

§ 414.601–2 *Interpretation.* (a) Cost of pension and retirement plans, including reasonable incidental benefits, such as disability, withdrawal, insurance or survivorship allowances which are deductible from taxable income in accordance with the Internal Revenue Code and the regulations of the Bureau of Internal Revenue, are allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation. Costs of such plans established by nonprofit or other organizations not subject to payment of Federal income taxes are also allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation.

(b) Pension or retirement plans of a contractor which are subject to approval of the Bureau of Internal Revenue must have been so approved before costs under the plans may be accepted as charges to Government contracts. Many plans of nonprofit or other tax exempt organizations are also reviewed and approved by the Bureau of Internal Revenue, when not so reviewed and approved, each such plan will be reviewed, and approved or disapproved, by the Department to which audit cognizance is assigned, using insofar as applicable, the criteria and standards of the Internal Revenue Code and the regulations of the Bureau of Internal Revenue. In any case, where the Bureau of Internal Revenue withdraws approval of a plan, approval of amounts allocated to contract costs will be withdrawn accordingly.

(c) The approval of a pension or retirement plan by the Bureau of Internal Revenue will, as a general rule, be the only approval required by the Departments; however, the right is reserved to require submission of any plan for consideration by a Department and to disapprove such plan in its entirety or any feature thereof whenever the circumstances in a particular case are deemed to warrant such action. Such consideration will be the responsibility of the Department to which audit cognizance is assigned, and the subsequent action taken by that Department will generally be accepted by the other Departments.

(d) Approval of a pension or retirement plan by the Bureau of Internal Revenue or by the Departments does not imply that the cost thereof for any particular year will be allowable for apportionment to contract costs, except to the extent costs for that year meet all other requirements of the Bureau of Internal Revenue as a deduction for income tax purposes, and are acceptable under the provisions of this cost interpretation and other provisions of this section.

(e) Pension and retirement costs constitute a part of the total compensation by a contractor to any individual covered by the plan, and accordingly, are subject to the provisions of this section with respect to reasonableness of the total compensation paid to the individual for the services rendered.

(f) Where contributions to pension or retirement plans are based on profits, providing that provisions of the Internal Revenue Code and regulations of the Bureau of Internal Revenue have been met, the amount allowable for apportionment to contracts in any one year shall be the amount contributed to the pension trust(s) for that year, but not to exceed 15 percent of the total compensation otherwise paid or accrued in that year to the individuals covered under the plan(s).

(g) The allowability of costs of lump sum purchases of annuities or of periodic cash payments made to provide pension or retirement benefits for retiring or retired employees, other than incurred under approved pension or retirement plans, will be subject to consideration on an individual case basis.

(h) Credits which became available or are foreseeable must be taken into account in an equitable manner in determining pension and retirement costs subject to apportionment to a military contract. In some instances, this may require adjustments to costs in anticipation of the realization of credits. For example, such action would normally be appropriate where contractors' organizations are substantially expanded for the performance of military contracts and there is a reasonable expectation that, upon completion of the contracts, the services of practically all or a large number of the additional employees will be terminated with the result that contractors will benefit from contributions made on behalf of these employees, because such personnel will not acquire vested rights under the terms of the plans.

(i) In any current or future contract no cost allowance will be made which would duplicate, in whole or in part, an allowance previously made under a prior contract.

[F. R. Doc. 52-6822; Filed, June 23, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 20]

CPR 7—Retail Ceiling Prices for Certain Consumer Goods

ADDITIONAL AND ALTERNATIVE METHODS OF CHART CONSTRUCTION AND PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic

Stabilization General Order No. 2 (16 F. R. 738), this Amendment 20 to Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued..

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Section 41 of Ceiling Price Regulation 7 describes more completely than the section before amendment the additional and alternative methods of chart construction and pricing which are provided in supplementary regulations to CPR 7. In view of the fact that this amendment in no way affects the substance of the regulation, the Director has not found it practicable or necessary to consult with industry representatives.

AMENDATORY PROVISIONS

Section 41 of Ceiling Price Regulation 7 is amended to read as follows:

SEC. 41. *Additional and alternative methods provided in supplementary regulations.* Methods of preparing pricing charts and methods of determining ceiling prices additional or alternative to those specified in this regulation are provided in supplementary regulations as follows:

(a) Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, and consignor and consignee-outlets are set for in Supplementary Regulation 1.

(b) Alternative and special methods for preparing list date charts and pricing in certain cases are set forth in Supplementary Regulation 2.

(c) Supplementary Regulation 3 provides the method for establishment of ceiling prices by wholesalers and retailers for certain home canning supplies.

(d) Supplementary Regulation 4 provides a method for the establishment by manufacturers and wholesalers of uniform dollar-and-cent ceiling prices for retail or wholesale and retail sales of certain branded articles.

(e) A method for deleting "unrepresentative" category charts is set forth in Supplementary Regulation 6.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 20 shall become effective June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6980; Filed, June 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 6—ALTERNATIVE PRICING METHOD FOR RETAILERS WITH UNREPRESENTATIVE CATEGORY CHARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is issued.

STATEMENT OF CONSIDERATIONS

The accompanying supplementary regulation to Ceiling Price Regulation 7 makes available to retailers an alternative method whereby they may determine ceiling prices for articles included in categories listing an unrepresentative number of price lines. Retailers qualified to use this alternative method determine ceiling prices for articles in such "unrepresentative" categories as if the categories were never listed in their pricing charts.

On the list date many retailers did not handle lines of merchandise within a category that reflected the number of price lines normally carried during the selling season. For any such category, the pricing chart provided the seller with markups that generally were not typical for articles normally in their line. Under the provisions of this supplementary regulation, a seller who can produce records to substantiate the fact that his chart is unrepresentative for a category may use the specified alternative method, subject to his filing a report and receiving an acknowledgement thereof from the OPS.

To determine whether a chart is unrepresentative for a category a seller selects the calendar week during the period from February 27, 1950 through February 26, 1951, in which he offered for sale the greatest number of price lines for articles in that category offered during that week and compares the number of price lines for articles in the category offered during that week with the number of price lines for that category shown on his pricing chart. If the number of price lines shown on his chart is less than one-third of the number of price lines for articles in that category offered in the week selected in the period from February 27, 1950 through February 26, 1951, the pricing chart may be considered "unrepresentative" for that category and the category may be deleted from his chart. In that case the seller proceeds to determine ceiling prices under the regulation as if he had not filed a pricing chart for the deleted category.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Unrepresentative chart category.
3. Alternative method for unrepresentative categories.
4. Reports.
5. Records.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* Under this Supplementary Regulation 6, a seller may at any time elect to delete from his pricing chart any category for which his chart is "unrepresentative" and thenceforth determine ceiling prices under the applicable provisions of Ceiling Price Regulation 7 as if he had never filed a chart for that category. "Unrepresentative" chart category is described in section 2 of this supplementary regulation.

If prior to the date of deletion you used the "unrepresentative" category chart for determining ceiling prices for articles in the "unrepresentative" category either as a seller whose chart included the "unrepresentative" category or in another department or store, you must redetermine your ceiling prices for all the articles in that category.

If you used the "unrepresentative" category chart prior to the date of deletion for determining ceiling prices for articles in any other category pursuant to the provisions of sections 36 (Rule 5) and 37 (Rule 6) of Ceiling Price Regulation 7, you may elect to redetermine your ceiling prices for those articles; you may not, however, use an "unrepresentative" category chart for determining ceiling prices for articles in any new category pursuant to rules 5 and 6 after the date of deletion of the "unrepresentative" category.

An election once made under this supplementary regulation may not be changed. The alternative method is described in section 3 and may be used only after you file and OPS has acknowledged the report described in section 4.

SEC. 2. *Unrepresentative chart category.* You determine whether your chart for a category is "unrepresentative" as follows:

(a) Select the calendar week during the period February 27, 1950 to February 26, 1951 inclusive, in which you offered the greatest number of price lines in a category.

(b) Compare the number of price lines for articles in the category offered during that week with the number of price lines for that category shown on your pricing chart.

(c) If the number of price lines shown in the category on your pricing chart is less than one-third of the number of price lines for articles in that category offered in the week selected in (a) above, the pricing chart for the category is "unrepresentative."

SEC. 3. *Alternative method for unrepresentative categories.* If your pricing chart for any category is unrepresentative and you have sufficient data available to substantiate this fact, you may delete that category from your pricing chart pursuant to section 4. After receipt of the OPS acknowledgment there referred to, you determine ceiling prices under the applicable provisions of CPR 7 as if you had never filed a pricing chart for that category.

SEC. 4. *Reports.* You may not sell or deliver any article pursuant to this regulation unless you have first filed the report described below with your "OPS office" ("OPS office" is defined in footnote 2 to CPR 7) and received a written acknowledgment thereof from OPS. The report must be signed by you if you are an individual proprietorship; by a partner if you are a partnership; or by an officer or duly authorized agent if you

are a corporation. The report must contain the following information:

(a) Your name and address;

(b) Identification by number and description of each "unrepresentative" category chart you wish deleted from your chart;

(c) The dates of the week in the year February 27, 1950 to February 26, 1951, during which you were offering for sale the greatest number of price lines in each category listed under (b);

(d) Identification of the records on hand which substantiate the fact that your chart for each of the categories listed under (b) is "unrepresentative" (as the term is defined in section 2).

(e) If pursuant to section 1 of this supplementary regulation you elect to redetermine ceiling prices for articles in categories other than the deleted category, identify by number and description the categories thus affected.

Following receipt of the acknowledgement of your report and before selling any article pursuant to this supplementary regulation you must note under the appropriate category number in column 1 of your pricing chart the following: "This category has been deleted from my chart under Supplementary Regulation 6."

SEC. 5. *Records.* In addition to the records you are required to keep pursuant to CPR 7, you must preserve for inspection by OPS:

(a) The OPS acknowledgement described in section 4 of this supplementary regulation;

(b) A copy of the report filed pursuant to section 4; and

(c) The records referred to in paragraph (d) of section 4.

Effective date. This supplementary regulation shall become effective on June 28, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6981; Filed, June 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 2, Revision 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 2—CEILING PRICES FOR MANUFACTURERS MAKING SALES SUBJECT TO CPR 9

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplementary Regulation 2 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 2 to Ceiling Price Regulation 9 as originally issued on September 7, 1951, provided a method for determining ceiling prices for sales in the territories and possessions of the United States by manufacturers or wholesalers located in the continental United States. Ceiling Price Regulation 9 has been revised and as revised applies to sales of commodities which at the time of sale are located in one of the territories and possessions of the United States. Ceiling Price Regulation 9, Revision 1, also now contains a method whereby wholesalers and retailers located in the continental United States or in one of the territories selling a commodity located in another territory at the time of sale may determine their ceiling prices. This revision of Supplementary Regulation 2, therefore, covers only manufacturers making sales subject to Ceiling Price Regulation 9, Revision 1.

This revision of Supplementary Regulation 2 provides that the ceiling price for a manufacturer making a sale subject to Ceiling Price Regulation 9, Revision 1, is his current ceiling price, computed under the applicable Ceiling Price Regulation (other than Ceiling Price Regulation 61), at the port of shipment, plus the markup which he enjoyed in the base period on sales in a territory as distinguished from sales at the port of shipment. Any manufacturer making sales subject to Ceiling Price Regulation 9, Revision 1, who has no base period experience for such sales, or who does not now have a ceiling price at the port of shipment, may apply under section 4 of this revision of Supplementary Regulation 2 for the establishment of a markup.

Because of the nature of this Supplementary Regulation, it has been impracticable to consult with the sellers affected, including trade organizations. A number of suggestions have been received from individual manufacturers, however, and careful consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this Supplementary Regulation does.
2. Ceiling prices.
3. Customary markup.
4. Commodities which cannot be priced under other sections.
5. Adjustments.
6. Percentage markups.
7. Applicability of Ceiling Price Regulation 9, Revision 1.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this Supplementary Regulation does.* This Supplementary Regulation provides a method whereby manufacturers making sales subject to Ceiling Price Regulation 9, Revision 1, may determine their ceiling prices.

SEC. 2. *Ceiling prices.* If you are a manufacturer, your ceiling price for a sale subject to Ceiling Price Regulation 9, Revision 1, is that price which is your current ceiling price computed under the applicable ceiling price regulation (other than CPR 61) to the same class of purchaser at the port of shipment plus your customary markup for sales in the particular territory in which the commodity is located, computed in accordance with section 3 of this supplementary regulation. If you made a sale in the base period, but customarily had no differential between port of shipment selling prices and territorial selling prices, your ceiling price for sales subject to CPR 9 is your port of shipment ceiling price. The term "base period" means the period from December 19, 1950, to January 25, 1951.

SEC. 3. *Customary markup.* Your customary markup to a class of purchaser for a commodity is the dollar and cent difference between your base period selling price of that commodity at the port of shipment and your base period selling price of that commodity to the same class of purchaser in the territory in which the commodity is located. If you had more than one base period selling price of a commodity to the same class of purchaser at the port of shipment, you must use the average of those base period selling prices in computing your markup, and similarly, if you had more than one base period selling price of a commodity in the territory, you must use the average of those base period selling prices in computing your markup.

SEC. 4. *Commodities which cannot be priced under other sections.* If it is impossible for you to determine your markup for a commodity under the preceding sections of this supplementary regulation, you must apply by registered mail, return receipt requested, to the Director of Region XIV, Office of Price Stabilization, 1405 G Street, N. W., Washington, D. C., for the establishment of a markup to be used in determining your ceiling price. This application must contain the following information:

(a) Your business name and address.

(b) A description of the commodity.

(c) The reason you are unable to determine your markup under section 3 above.

(d) The class of purchaser, the current port of shipment ceiling price to each class of purchaser, and the name of the port of shipment.

(e) Current cost of shipment from the port to the territory and the cost of preparation for shipment.

(f) Name of territory.

(g) Your proposed markup to various classes of purchasers. (If you propose a percentage markup, you must comply with section 6 of this supplementary regulation.)

You may not sell the commodity at a price higher than your port of shipment ceiling price until the Director of Price Stabilization has notified you, in writing, of the establishment of your markup.

SEC. 5. *Adjustments.* If it is apparent, from your records, that your base period selling price in a territory did not reflect a mainland selling price increase, you may apply to the Director of Region XIV, Office of Price Stabilization, 1405 G Street, N. W., Washington, D. C., for an adjustment. The application must be signed by an authorized person

and must contain the following information:

(a) Your business name and address.

(b) A description of the commodity.

(c) The current port of shipment ceiling price to the same class of purchaser.

(d) Current cost of shipment from the port to the territory and the cost of preparation for shipment.

(e) The name of the territory.

(f) Your markup calculated in accordance with section 3 of this Supplementary Regulation.

(g) The date and amount of the increase in the mainland selling price prior to January 25, 1951.

(h) Any subsequent increases in the territorial selling price in the base period, and the reason therefor.

(i) The reason why the mainland increase was not reflected in the territorial selling price in the base period.

(j) Your proposed markup for sales to each class of purchaser.

The Director of Price Stabilization, or his delegatee, may approve, disapprove, or revise downward your proposed markup. You may not, under any conditions, make sales at the ceiling price based on any markup higher than your markup computed under Section 3 until the Director of Price Stabilization, or his delegatee, has notified you in writing of his approval of your proposed markup.

SEC. 6. *Percentage markups.* Instead of using a dollar and cent markup, as provided in Section 3, you may calculate percentage markups, for each commodity for all future sales by dividing your dollar and cent markup of each commodity, as established above, by the port of shipment selling price used to establish that markup. If you elect to use a percentage markup, you must notify the Director of Region XIV of the Office of Price Stabilization, 1405 G Street, NW, Washington, D. C., by registered letter of your decision prior to offering commodities for sale on this basis. This notification must include your business name and address, and the class of purchaser to whom you sell (distributor, importer, retailer, consumer, etc.). Having made this election, you must use a percentage markup on all subsequent sales on a business wide basis.

SEC. 7. *Applicability of Ceiling Price Regulation 9, Revision 1.* Except as modified by this Supplementary Regulation, all the provisions of Ceiling Price Regulation 9, Revision 1, apply to sales by you.

Effective date. This Revision 1 of Supplementary Regulation 2 to Ceiling Price Regulation 9, Revision 1, is effective June 28, 1952.

NOTE: The reporting requirements of this Supplementary Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc 52-6982; Filed, June 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 8]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 8—ADJUSTMENT OF CEILING PRICES OF NO. 2 FUEL OIL IN BALTIMORE AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency Order No. 2, this Supplementary Regulation No. 8 to Ceiling Price Regulation 17, is hereby issued.

STATEMENT OF CONSIDERATIONS

This action authorizes an increase of $0.003 per gallon for tank wagon deliveries of No. 2 Fuel Oil in the Metropolitan Baltimore, Maryland area. Such increase is based upon and is consistent with the principles embodied in the industry earnings standard.

Early in the 1951–52 heating season, sellers of domestic heating oils in the Baltimore, Maryland area applied for a price increase. Data was submitted by individual firms which showed that despite increases in the volume of sales their percentage of profit as related to sales and net worth was significantly lower than that of 1950 and prior years.

Application of the industry earnings standard to the fuel oil distributors in the Baltimore, Maryland area indicated that an increase of $0.003 per gallon for tank wagon deliveries of fuel oil to domestic consumers in the Metropolitan Baltimore, Maryland area was necessary to meet the minimum requirements of the standard.

In the judgment of the Director of Price Stabilization the increase herein granted is consistent with the principles embodied in the earnings standard as applied to distributors of essential commodities in a local area.

In the formulation of this regulation there has been consultation with industry representatives, including trade associations representatives, and consideration has been given to their recommendations.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization this Supplementary Regulation 8 is generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. What this regulations does.
2. Increase in ceiling prices.
3. Applicability of provisions of Ceiling Price Regulation 17.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation is applicable to those sellers of No. 2 Fuel Oil when selling that product to consumers at the tank wagon level in the Baltimore, Maryland area. It permits these sellers to add $0.003 per gallon to their ceiling price.

SEC. 2. *Increase in ceiling prices.* On and after the effective date of this regulation each seller of No. 2 Fuel Oil may increase his ceiling price for this product $0.003 per gallon for tank wagon deliveries in the City of Baltimore, Maryland or within a radius of 16 miles from Baltimore City Hall.

SEC. 3. *Applicability of provisions of Ceiling Price Regulation 17.* Sellers covered by this supplementary regulation shall remain subject to all the provisions of Ceiling Price Regulation 17, as amended, except such provisions as are inconsistent herewith.

Effective date. This supplementary regulation shall become effective on the 28th day of June 1952.

ELLIS ARNALL,
Director, Office of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6972; Filed, June 23, 1952; 11:21 a. m.]

[Ceiling Price Regulation 82, Amdt. 4]

CPR 82—CEILING PRICES FOR FROZEN FRUITS AND BERRIES OF THE 1951 AND LATER PACKS

REVISED PRICING METHOD FOR ITEMS NOT SOLD DURING THE BASE PERIOD AND MISCELLANEOUS CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 82 is hereby issued.

STATEMENT OF CONSIDERATIONS

As originally issued, Ceiling Price Regulation 82 applied only to the 1951 pack of frozen fruits and berries. The Office of Price Stabilization is now revising the regulation, but processors and base distributors must now be provided with ceiling prices for packs commenced after January 1, 1952. Therefore, as an interim measure, CPR 82 is being amended to make it applicable not only to the 1951 pack but also to later packs of frozen fruits and berries. This is accomplished in this amendment by changing the title and section 1 (a) of CPR 82.

Consideration has been given to changing the container size classifications of Table I in section 2 (b) to more nearly reflect industry practice. Such changes were made in CPR 81. However, since such changes in CPR 82 would require recalculation of ceiling prices for practically all frozen fruits and berries and would necessitate a complete review by the Office of Price Stabilization of the adjustment factors named in the table, it has been determined that changes in container size classifications for frozen fruits and berries will not be made in CPR 82 but will be effected in the 1952 pack tailored regulation.

Section 2 (c) is amended to make it clear that the appropriate raw material adjustment in Table II is the adjustment for the area in which the processor's factory is located. This conforms the provision to the original intent of the regulation and brings it in line with similar provisions in CPR's 81, 55, and 56.

The permitted adjustments in Table II for freestone peaches in the area designated "All other states", for pears in the Oregon and Washington area, and for fresh prunes in Washington and Oregon are revised to reflect changes made pursuant to section 402 (d) (3) to make appropriate allowances for substantial reductions in merchantable crop yields of the named fruits in those areas. These increases conform to a public statement previously issued by the Office of Price Stabilization and are the same as those made effective in CPR 56, the canned fruit and berry regulation, by Amendment 5 to that regulation.

This amendment revises section 5, paragraphs (a), (b) and (d) of section 6 and paragraph (a) of section 19. These changes are the same as those made in CPR 81 by Amendment 4 to that regulation. Since the statement of considerations issued with that amendment explains the reasons for such changes, and those reasons apply equally to this amendment, it is incorporated herein. However, in the case of frozen fruits and berries the review of price information discloses that price distortions cannot be corrected by the use of November 1951, selling prices or by the use of dollar-and-cents prices as in the case of frozen vegetables. Accordingly SR 1 to CPR 82 is being continued in effect until such time as the regulation can be amended to add a provision for individual adjustments, and for a reasonable time thereafter to permit the processing of the applications by OPS. Until the expiration of this "reasonable time", sellers who have previously elected to determine ceiling prices under SR 1 are not required to recalculate their ceiling prices under the amended sections 5 or 6, nor to file the reports required by section 19, as amended. At such time as SR 1 is revoked recalculation under the regulation, as amended, and the filing of the new ceiling prices will be required. Sellers who have elected to remain under CPR 82 and not SR 1, who have previously calculated or obtained ceiling prices under section 5, 6, or 7 of CPR 82 and who are now able to calculate ceiling prices under section 5 as revised by this amendment, are required to do so and to report such recalculated ceilings.

The definition section is amended to provide a definition of the phrase "Customary allowances, discounts and price differentials" which was inadvertently omitted from CPR 82 as originally issued. The definition specifies that the discounts, allowances and price differentials referred to in section 15 are those in effect prior to and during the base period.

The Director of Price Stabilization has consulted with representatives of the industry, including trade association representatives, before issuing this amendment, and has given consideration to their recommendations. It is his judgment that the provisions of this amendment are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 82 is amended in the following respects:

1. The title of Ceiling Price Regulation 82 is amended to read as follows: "CPR 82—Ceiling Prices for Frozen Fruits and Berries of the 1951 and Later Packs."

2. Section 1 (a) is amended to read as follows:

(a) *What products and sellers are covered.* This regulation establishes ceiling prices for sales by processors and base distributors of the 1951 and later packs of all frozen fruits and berries. This regulation does not apply to sales of frozen citrus products or other frozen fruit or berry concentrates and purees.

3. Section 2 (c) is amended in the following respects:

a. In subparagraph (2) the phrase "for the area in which your factory is located" is added immediately after certain of the references to "Table II" so that the text of subparagraph (2) preceding the table shall read as follows:

(2) If your 1951 cost is greater than your 1948 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located is a plus figure, you shall use either your actual increase or the appropriate increase listed in Table II, for the area in which your factory is located, whichever increase is less. If your 1951 cost is greater than your 1948 cost, and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a minus figure, you shall use the appropriate increase listed in Table II. If your 1948 cost is greater than your 1951 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a plus figure, you shall use your actual decrease. If your 1948 cost is greater than your 1951 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a minus figure, you shall use either your actual decrease or the appropriate decrease listed in Table II, whichever is the larger.

b. Table II is amended by changing the permitted adjustments in dollars per unit as follows:

Peaches, freestone—All other States from +16.31 to +46.61
Pears—Oregon, Washington from −7.30 to +3.90
Prunes, Fresh—Washington, Oregon from +28.00 to +31.00

4. Section 5 is deleted and a new section 5, reading as follows, is substituted therefor:

SEC. 5. *Ceiling prices for items not sold during the base period.* This section applies to most items for which ceiling prices cannot be calculated under section 2, 3, or 4 of this regulation.

(a) *Processors.* If you sold the same product during the base period, you shall calculate a ceiling price by comparing the price of a "comparison item" and of the item for which you are calculating a ceiling price. You may use this method only if:

The "comparison item" and the item for which you are calculating a ceiling price are both of the same product and differ in one or more of the following respects: container type, container size, variety, grade or style of pack;

You compare the price of the "comparison item" to a class of purchaser (i. e. your price to wholesalers or your price to other processors and base distributors as specified in section 2 of this regulation) and the price of the item for which you are calculating a ceiling price to the same class of purchaser;

Prices for both items are adjusted to an f. o. b. factory basis, including no more than one month's storage charges;

Both items are within one of the container size ranges, which follow:

20 ounces and less;
More than 20 ounces to 10 pounds, inclusive;
More than 10 pounds to 30 pounds, inclusive;
More than 30 pounds.

(1) *Calculating ceiling prices by comparison with other items appearing on your price list or written quotation.* This subparagraph provides a method of determining a ceiling price for an item you did not sell during the base period by making a comparison between the opening prices for that item and for a "comparison item" as quoted on your "price list" or "written quotations". The "comparison item" is limited to an item of the same product for which you are able to figure a ceiling price under section 2 or 4 of this regulation, even though you no longer sell that particular item of the product. Your "price list" or "written quotations" means the first written opening price list or writen quotation from among your lists or quotations for 1950, 1949, or 1948 (in that order) on which the comparison item and the item being priced both appear. If the "comparison item" and the item for which you are calculating a ceiling price do not both appear on the opening price list or "written quotation", you may, for either item, use the first written price list or written quotation issued after the opening price list or written quotation, provided that the interval between each price list or written quotation does not exceed sixty days, and provided that both the "comparison item" and the item for which a ceiling price is being calculated are of the same year's pack.

(i) *Items which differ only in container size or container type.* You shall select as a "comparison item" from your price list or written quotations that item differing only in container size or type which is nearest in container size to the item for which you are calculating a ceiling price. Divide the price on your price list or written quotation for that item by the price on your price list or written quotation for the comparison item. Then multiply the ceiling price as determined under section 2 or 4 of this regulation of the comparison item by the quotient obtained by this division.

The result is your ceiling price per unit of sale for the item, f.o.b factory, to the same class of purchaser, including no more than one month's storage charges.

(ii) *Items which differ in variety, grade or style of pack.* If you cannot determine your ceiling price under subdivision (i) of this subparagraph you shall select as a "comparison item" from your price list or written quotation that item differing in variety, grade or style of pack (which may or may not also differ in container size or container type) which is nearest in price to the item for which a ceiling price is being calculated. Divide the price on your price list or written quotation for that item by the price on your price list or written quotation for the comparison item. Then multiply the ceiling price as determined under section 2 or 4 of this regulation for the comparison item by the quotient obtained by this division. The result is your ceiling price per unit of sale for the item, f. o. b. factory, to the same class of purchaser, including no more than one month's storage charges.

(2) *Calculating ceilig prices for items for which ceiling prices cannot be determined under subparagraph (1).* If you are unable to calculate your ceiling price for an item under subparagraph (1) of this paragraph but are able to calculate ceiling prices for other items of the same product under section 2, 4 or subparagraph (1) of this paragraph, you shall calculate your ceiling price for the item for which you are seeking to establish a ceiling price in the following manner.

(i) Select as a "comparison item" an item of the same product for which you are able to calculate a ceiling price under section 2, 4 or subparagraph (1) of this paragraph, even though you no longer sell that particular item of the product, and which differs from the item for which you are calculating a ceiling price in one or more of the following respects: Container size, container type, variety, grade (if an item of the same grade is not available), or style of pack. This comparison item shall be the item of the same grade of the product whose "current direct cost" per unit of sale is closest to that of the item being priced, or if there is no item of the same grade, the comparison item shall be the item of the product whose "current direct cost" per unit of sale is closest to that of the item being priced. "Current direct cost" means the sum of the amounts (not higher than permitted by law) which it costs you for direct processing labor, ingredients and packaging materials.

(ii) Determine the "current direct cost" per unit of sale of the comparison item.

(iii) Determine the "current direct cost" per unit of sale of the item for which you are calculating a ceiling price.

(iv) Divide the current direct cost of that item by the current direct cost of the comparison item.

(v) Multiply the ceiling price for the comparison item selected in subdivision (i) of this subparagraph by the quotient obtained in subdivision (iv) of this subparagraph. The result is your ceiling price per unit of sale for the item, f. o. b. factory, to the same class of purchasers, including no more than one month's storage charges.

(b) *Base distributors.* If you sold the same product during the base period, you shall calculate a ceiling price by comparing the price of a "comparison item" and of the item for which you are calculating a ceiling price in the same manner as processors make this calculation under paragraph (a) of this section. However, in making this calculation the ceiling price for the comparison item you use shall be one figured under sections 2, 3, or 4. In making the calculation under paragraph (a) (2) you may, if necessary, use a ceiling price for the comparison item calculated under paragraph (a) (1) of this section. In addition, in making the calculation under paragraph (a) (2), wherever the phrase "current direct cost" is used you shall substitute "acquisition cost". "Acquisition cost" means the 1951 "weighted average acquisition cost" determined in the manner provided in section 3 (b) of this regulation.

5. Section 6 is amended in the following respects:

a. Pararaphs (a) and (b) are amended to read as follows:

(a) *Processors.* (1) If you are a processor and are unable to calculate your ceiling price for an item under sections 2, 4, or 5, you shall use as your ceiling price for that item the simple average of the f. o. b. factory ceiling prices for the same class of sale (including no more than one month's storage charges) of the three processors of the same item who are most competitive with you and who are located in the same pricing area as you are. If there are only two such processors in the area, use the simple average of the two available ceiling prices. If there is only one such processor in the area, you may use his ceiling price.

(2) If you are unable to determine your ceiling price under subparagraph (1) of this paragraph because such competitive processors do not pack the product in the same size container as the item you are pricing but do pack an item differing only in container size, and if such container is within the same size range, as specified in section 5 (a) of this regulation, as the item you are pricing, use the simple average of such ceiling prices (or the ceiling price, if only one is available) as the ceiling price for a "comparison item" and calculate your ceiling price for the item being priced under section 5 (a) (2), using your own direct costs for the comparison item.

(b) *Base distributors.* If you are a base distributor and are unable to calculate your ceiling price for an item under section 3 or 5, you shall use as your ceiling price for that item the simple average of the f. o. b. factory ceiling prices for the same class of sale (including no more than one month's storage charges), and for the same item, of the three sellers (either processors or base distributors) who are most competitive with you and who are located in the same pricing areas as you are. If there are only two such sellers in the area, use the simple average of the two available ceiling prices. If there is only one such seller in the area, you may use his ceiling price.

b. Paragraph (d) is amended to read as follows:

(d) *Application for ceiling prices.* If you are unable to obtain the ceiling prices of the required processors or base distributors located near you, or if you believe that the ceiling prices obtained by using the provisions of paragraph (a) or (b) of this section are not representative of the competitive price level at which you have customarily sold your products, or if you use merchandising methods in their sale and distribution different from those of such processors or base distributors, you may apply to the Office of Price Stabilization for an individual authorization of a ceiling price in accordance with section 7 of this regulation.

6. Section 19 (a) is amended to read as follows:

(a) If you sell items covered by this regulation you are required to determine ceiling prices in accordance with the provisions of this regulation, as amended, or any supplementary regulation thereto, and to file a report on OPS Public Form 97 with the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., of the ceiling prices so determined. If at any time this regulation is amended or supplemented to provide a different pricing method than you previously used in calculating your ceiling price for an item or to change the level of ceiling prices theretofore established by this regulation, you are required to recalculate your ceiling price in accordance with the provisions of the regulation as so amended or supplemented unless it is specified that such recalculation is optional. Copies of the reporting form are available at any office of the Office of Price Stabilization. All items of a particular product shall be included on one form. However, you shall file an additional report if ceiling prices for some items of a product are determined at a later date, or if because of amendment of this regulation, or by supplementary regulation thereto, you are required or permitted to recalculate your ceiling prices.

Notwithstanding the provisions of sections 5 and 6 of this regulation, as amended, and the foregoing provisions of paragraph (a) of this section, you are not required to recalculate your ceiling prices under section 5 or 6, as amended, at this time if you have elected to determine your ceiling prices under SR 1 to CPR 82 by using November 1951, prices, nor are you required to file the reports called for by this section 19 until such time as SR 1 is revoked.

7. Section 26 (p) is added to read as follows:

(p) "Customary allowances, discounts and price differentials" means those differentials for cash discount, allowance for buyer's labels, for unlabeled goods, for difference in volume of sale, for class of buyer, or for method or time of delivery, which were customary in the business of the seller and in effect prior to and during the base period.

Effective date. The effective date of this amendment is July 11, 1952, or such earlier date between June 23, 1952 and July 11, 1952, as you may select. If you select an earlier date, this amendment becomes effective as to you upon that date for all of your items covered by this amendment.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6973; Filed, June 23, 1952; 11:22 a. m.]

[Ceiling Price Regulation 134, Interpretation 1]

CPR 134—EATING AND DRINKING ESTABLISHMENTS

INT. 1—APPLICABILITY OF CPR 134 TO ESTABLISHMENTS WHICH SELL ONLY ALCOHOLIC BEVERAGES FOR ON PREMISE CONSUMPTION (SECTION 2)

CPR 134 is applicable to taverns, cocktail lounges and similar type establishments even though they sell only alcoholic beverages for on premise consumption. It is not necessary that an establishment sell both alcoholic beverages and food items for on premise consumption to be covered by CPR 134. CPR 134 applies to establishments conducted for either eating or drinking as well as to those establishments conducted for both eating and drinking.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6974; Filed, June 23, 1952; 11:22 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 2]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF CERTAIN COTTON END-USE PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to those suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1: Sales, when made by a manufacturer, of sheets, pillow cases, towels, bedspreads, napkins, tablecloths, diapers, blankets, cordage, twine and thread, provided that the fiber weight of these commodities after production, but before finishing, consists 50 percent or more of cotton and less than 25 percent of any one of either wool, rayon, nylon or fibers other than cotton; except sales in the territories and possessions of the United States.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Amendment 5 to CPR 37, issued May 20, 1952, suspended sales of these commodities insofar as they were covered by the provisions of CPR 37. CPR 37 was never made mandatory, however, and some manufacturers remained under the GCPR. Some other manufacturers of these commodities established their ceiling prices under CPR 22 or the GCPR. As set forth in greater detail in Amendment 5 to CPR 37, there has been a marked decline in the selling prices of many cotton textile end-use products. This amendment to GOR 4, Rev. 1, supplements the CPR 37, Amendment 5 suspension action by suspending from price control all sales by manufacturers of the cotton textile end-use commodities listed above. Sales affected by this amendment are those made by mills and converters who sell the end-use cotton products listed above which they have produced for their own account or which have been produced for their account by another.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, the suspension will be terminated in whole or in part on the basis of the criteria set forth in Amendment 5 to CPR 37, and whenever such action is taken with respect to the manufacturers covered by Amendment 5 to CPR 37.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1 is amended by adding the following paragraph:

(f) The following cotton end-use products when sold by the manufacturer: Sheets, pillow cases, towels, bedspreads, napkins, tablecloths, diapers, blankets, cordage, twine and thread, provided that the fiber weight of these commodities after production but before finishing consists 50 percent or more of cotton and less than 25 percent of any one of either wool, rayon, nylon or fibers other than cotton; except sales in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to General Overriding Regulation 4, Revision 1, is effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6975; Filed, June 23, 1952; 11:22 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 3]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF BURLAP, JUTE, COTTON AND PAPER OPEN MESH BAGS AND ASSOCIATED COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to the list of those for which the application of any ceiling price regulation is suspended, provided that the cost or weight of their material content consists 50 percent or more of jute, cotton or paper open mesh fabric: Burlap and cotton bags; burlap and cotton spiral tubing; burlap and cotton laminated sheets, tubes and covers; burlap strips; and paper open mesh bags and yardage. Sales of these items when both new and used are included in this suspension.

This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. As was required in the case of the items previously suspended by this General Overriding Regulation, sellers must preserve and keep available those records they were required to have on hand as of the effective date of this amendment.

On April 28, 1952 ceiling prices on burlap were suspended by Amendment 1 to CPR 40 and Revision 1 of General Overriding Regulation 4. Similar action has recently been taken with respect to cotton textiles. The greater part of the burlap available in this country is used in the production of the commodities listed above. The burlap bag industry, for example, uses approximately 75 percent of the burlap imported into the United States. In 1951 about 407,000,000 yards of burlap was used for bags out of 534,000,000 yards consumed for all purposes in the United States. At the present rate of consumption there is in excess of 4 months' supply of burlap now available in the United States and India, and the United States alone holds stocks equal to approximately 3 months

of normal consumption. The capacity of the industry to produce bags and other burlap products is far in excess of the demand for these products.

As was more fully detailed in Amendment 1 to CPR 40, jute, from which burlap is made, is expected to be in plentiful supply during the foreseeable future, and since June 1951 there has been a gradual decline in burlap prices. Burlap is the principal cost element in all of the burlap commodities being suspended by this amendment. In bags, for example, the burlap alone accounts for 75 percent to 85 percent of the cost. As could be expected, the decline in burlap prices has been reflected in the prices of commodities made from burlap. The history of prices for burlap bags and other burlap commodities is closely similar to that of the burlap itself and it can be expected that this similarity will continue in view of the large manufacturing capacity and the adequacy of supplies.

Accordingly, it is the judgment of the Director that price controls on the burlap commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify the suspension action relating to these commodities if he determines that such action is necessary in the interest of the stabilization program. In any event, the suspension of the burlap commodities will be terminated whenever the suspension of burlap is terminated.

The supply and price situation with respect to the cotton commodities which are covered by this amendment is analogous to that of the burlap commodities. Cotton bags, spiral tubing, laminated sheets, tubes and covers compete directly with the same commodities made from burlap. The prices of these cotton commodities will not rise as long as the cost of cotton greige goods does not advance and the burlap commodities remain in adequate supply and do not increase in price. Less than 10 percent of the cotton greige goods produced in this country are used for cotton bags and associated commodities suspended by this amendment. There appears to be an adequate supply of cotton greige goods available for all purposes for the foreseeable future.

Paper open mesh bags and yardage are sold in competition with cotton open mesh fabric and bags. Cotton and paper open mesh bags have customarily sold at the same prices. Bags made of cotton open mesh and paper open mesh fabrics are interchangeable in their use and the price of each is limited by the price of the other. It is not believed that paper open mesh yardage and bags will increase in price unless there is a similar increase in the price of the competing products. The price movements for the paper fabrics and products affected by this amendment have been almost identical with those of cotton open mesh material and commodities.

It is therefore the judgment of the Director of Price Stabilization that price controls on these cotton and paper open mesh commodities are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify the suspension of control of these commodities if he determines that such action is necessary in the interest of the stabilization program and he will in any event terminate this suspension of ceiling prices when the suspension of controls on cotton textiles is terminated.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following two paragraphs:

(g) Burlap bags; burlap spiral tubing; burlap laminated sheets, tubes and covers; and burlap strips; provided the cost or weight of material making up these commodities consists 50 percent or more of jute fabrics; except sales made in the territories and possessions of the United States.

(h) Cotton and paper open mesh bags; cotton spiral tubing; cotton laminated sheets, tubes and covers; and paper open mesh yardage: provided the cost or weight of material making up these commodities consists 50 percent or more of cotton or paper open mesh fabric; except sales made in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6976; Filed, June 23, 1952; 11:23 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 4]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF LEATHER-MAKING RAW STOCK AND LEATHER

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to those suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1: (1) Imported and domestic hides and skins and the cut parts thereof suitable for making leather, whether raw, partially cured, fully cured, or semi-tanned; (2) imported and domestic leather, including finished or unfinished splits and leather cut stock, except when sold at retail and except scrap leather not suitable for producing cut parts. This suspension does not apply to sales made in the territories and possessions of the United States.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Amendment 1 to Ceiling Price Regulation 2, Revision 2, effective April 28, 1952, suspended ceiling prices on domestic cattlehides, kips and calfskins. Current prices of imported bovine hides and skins are at about the same level as domestic prices. The world supply and demand situation indicates that world prices will not increase materially within the foreseeable future.

Cattlehides, kips and calfskins constitute the largest source of leather and their prices exert a considerable influence upon prices of other hides and skins in both world and domestic markets. Consequently, the prices of other hides and skins have fallen to a level which is now materially below existing ceiling prices under the General Ceiling Price Regulation. Most current prices are even lower than pre-Korea. For example, present prices of domestic and imported sheep and lamb skins are about 50 percent below existing ceilings and one-third less than in June 1950. Prices of other hides and skins have followed the same downward pattern.

Tanners' pipelines both in this country and in other important consuming countries are reportedly filled, and other information similarly indicates that the supply of the hides and skins for which ceiling prices are being suspended by this amendment is adequate to meet the foreseeable demand. It therefore appears that a rapid increase in hide and skin prices here or abroad is not likely to occur within the foreseeable future.

This amendment also suspends price ceilings on all types of leather, with the exception of certain scrap leather which is currently selling at ceiling prices. In general, leather prices move in close relationship with hide and skin prices and in most cases leather prices are now relatively as far below ceilings as are the prices of the leather-making raw stock.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program.

In general, price ceilings on hides and skins covered by this amendment will be reimposed when the suspension of ceilings on domestic cattlehides, kips and calfskins is terminated. If necessary, however, separate action may be taken at any time with respect to any of the other hides or skins. Price ceilings on leather will be reimposed when ceilings are reimposed on the corresponding raw materials, or at such other time as may be necessary in the judgment of the Director.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following two paragraphs:

(i) Imported and domestic hides and skins and the cut parts thereof suitable for making leather, whether raw, partially cured, fully cured, or semi-tanned, except sales in the territories and possessions of the United States.

(j) Imported and domestic leather, including finished or unfinished splits and leather cut stock, except scrap leather not suitable for producing cut parts, sales in the territories and possessions of the United States, and sales at retail.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This amendment shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

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[General Overriding Regulation 7, Revision 1]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 7 is an across-the-board regulation intended to exempt certain food commodities and related edible and inedible commodities largely of agricultural origin. Most of the commodities thus exempted have been removed from price control because they are insignificant in the cost of living, in business costs, or in the cost of the defense effort, as their prices have little or no effect upon the price ceilings of other commodities which are important to such costs, and because retaining them under price control would have involved administrative burdens out of proportion to their importance. More detailed statements of the reasons for exempting the particular commodities previously exempted may be found in the Statements of Considerations accompanying the original regulation and its amendments.

These exemptions are continued in the sections of Article II of this revised GOR 7. In addition, Article III is now added to GOR 7 and will be used to suspend the application of all ceiling price regulations to sales of specified commodities. Section 10, which is the first section of Article III, is added to GOR 7 by this revision. That section suspends controls applicable to sales for off-premise consumption of imported and domestic bulk whiskey, bulk wine, packaged distilled spirits and packaged wine for the reasons set forth in detail below. Controls applicable to sales of those commodities for on-premise consumption (Ceiling Price Regulations 11 and 134) are not suspended because the general "soft market" conditions described below have not exhibited themselves in that area.

This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director of Price Stabilization, price controls with respect to the sales of the commodities whose ceiling prices are suspended by this revision are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Bulk whiskey. Dollars and cents ceiling prices for domestic bulk whiskey are presently set by SR 1 to CPR 78. These ceiling prices are, in general, the prices prevailing during the General Ceiling Price Regulation (GCPR) base period. For many months the selling prices of this commodity have been declining from these levels with the result that at the present it is possible to purchase supplies of domestic bulk whiskey at prices ranging from 30 to 47 percent below ceiling prices. The reason for declining prices for domestic bulk whiskey is an abnormal supply situation which has developed over the past few years. The average yearly production of domestic bulk whiskey during the years 1946–1949 was 150 million gallons. During 1950 production dropped to 120 million gallons but in 1951 it jumped to 200 million gallons. On the other hand, tax paid withdrawals of domestic bulk whiskey have not exceeded 90 million gallons in any year since repeal of prohibition. As a result of this imbalance between production and withdrawals, inventories of domestic bulk whiskey have become so great that the present supply is sufficient to meet normal consumption for approximately 8 years. In addition, it is estimated that the production of domestic bulk whiskey in 1952 will be about 150 million gallons, with the result that inventories will be even further increased.

As is normal in a situation where supply so greatly exceeds consumption requirements the prices for domestic bulk whiskey have steadily dropped. Another factor has intensified this downward pressure, however. Domestic bulk whiskey may be kept in United States Government bonded warehouses for only 8 years after which time the full federal excise tax of $10.50 per proof gallon must be paid and it must be withdrawn. By 1953 the inventory of whiskey distilled in 1945—a relatively large distillation—will have to be withdrawn. This will encourage distillers to an increasing degree to attempt to move surplus stocks of aged whiskeys to avoid paying this tax on large amounts within a short time. And this attempt to move surplus stocks will have an additional depressing effect on bulk whiskey prices.

As prices for domestic bulk whiskey are substantially below ceiling and are still declining and as the inventories are so great, the Director has determined that controls should be suspended. At the same time price controls on sales of imported bulk whiskey, which are covered by CPR 31, are also suspended since hardly any sales of that commodity are made and maintaining controls at this time would serve little purpose.

Packaged distilled spirits. As would be expected, the large inventories of domestic bulk whiskey have had a depressing effect on the level of prices of packaged domestic distilled spirits sold at wholesale and at retail for off-premise consumption. This decline has not, however, exhibited itself in a manner normal in other trades, that is by a general decline across-the-board in prices for particular brands of spirits. Sales of spirits at retail are made through State owned stores in 17 States and in these States the prices are set by law. Also, with the exception of two States and the District of Columbia, the remaining States, in which the sale of packaged distilled spirits is legal, have statutes which make it illegal to reduce the price charged for particular brands below a specified amount. In addition, distillers have established brand prestige through vigorous advertising and are reluctant to reduce prices on these brands inasmuch as part of the prestige value of the brand is in the price itself.

The decrease in the level of packaged domestic distilled spirits prices has come about in various ways. In order to avoid depreciating the prestige of established brands, distillers have begun marketing new brands or reestablishing old brands which have been dormant. Although the spirits sold under a new brand name may be the same as those sold under an existing brand, the new brand is sold at a lower price. Also, wholesalers and large retailers have started buying and bottling domestic bulk whiskey and selling it under private labels. Again, although there may be no objective difference between the private label and the distilled spirits sold under the brand name of the distillery, the private label is sold at a lower price. In addition, the age of the whiskeys sold under the traditional brand names has been increasing due to the pressure of forced withdrawals of domestic bulk whiskey from United States Government bonded warehouses.

Such an increase in the age of the whiskey sold entitled the distiller to an increase in his ceiling price. Few sellers have made this recalculation and thus are in fact selling at prices below their allowable ceiling prices. Finally, for 16 percent (by volume) of existing brands there has been a price decrease since the GCPR base period.

Thus, as with bulk whiskey, sales for off-premise consumption of package domestic distilled spirits are being made at price levels below ceiling prices and supplies are more than adequate to meet even abnormally high consumption.

Imported packaged distilled spirits are also, in a number of cases, selling below ceiling prices and are in more than adequate supply. However, of greater significance is the fact that most imported spirits must compete with domestically produced merchandise and, consequently, can be expected to follow the price movements of domestic spirits. Even to the extent that this does not occur, as may be the case with items of particular appeal (such as Scotch whiskey) or items in extreme short supply, the fact that the sale of imports accounts for such a small percentage of the total sales of spirits makes the burden of controlling this relatively minor item in the current general "soft market" situation outweigh the value derived from control. Consequently, the Director has decided to suspend controls on imported packaged distilled spirits sold for off-premise consumption.

Wines. The ceiling prices for domestic bulk wines and for producer sales of domestic packaged wines are established under the GCPR and SR 30 thereto. In general those ceiling prices represent the highest prices charged in January 1951 (which were based on the cost of the 1949 grape crop) plus the increased cost to the seller of the 1950 crop of grapes used by the particular seller in producing the wines sold after January, 1951. Ceiling prices for wholesale and retail sales of domestic packaged wines are presently determined under SR 2 to CPR 78 or GCPR.

Current bulk wine prices are approximately 55 percent below bulk wine ceiling prices. Similarly, packaged wine prices (sold for off-premise consumption) declined substantially immediately after January, 1951, and presently show no tendency to revert to their former level.

Wine production in 1951 was 30.9 percent greater than 1950 production and, in fact, approached the production record set by that industry in 1946. Gross inventories of wines in 1951 exceeded the 1950 gross inventories by 23.6 percent, and the ratio of inventory to sales in 1951 was 202 percent as compared with the 176 percent average ratio for the years 1946 through 1950. Finally, grape crop prospects for 1952 are normal.

As for imported wines, which are presently covered by GCPR, CPR 31 and CPR 78, SR 2, sharp declines in wholesale and retail prices of a number of brands have occurred in the past two years occasioned both by the fact that there is an ample supply of imported wines and that those wines are competitive with domestic wines. Present data indicate that the high level of production of imported wines is being maintained and that no appreciable upward movement in prices is likely to occur in the foreseeable future.

Lifting suspension. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, however, controls will be reimposed under the following circumstances:

Controls on bulk whiskey and on packaged distilled spirits will be reimposed at such time as the simple average of the selling prices of bulk whiskey 3 years of age and older increases to a level 20 percent below the simple average of the ceiling prices for such ages. In addition, ceiling prices on packaged goods will be reestablished either (1) when the weighted average of distillers' list prices advances above the levels prevailing under the GCPR during 1951, or (2) when the weighted average dollar-and-cent spread between distillers' and retailers' prices increases above the weighted average dollar-and-cent spread reflected during 1951 under Ceiling Price Regulation 78, Supplementary Regulation 2 (the tailored regulation for distributors of packaged spirits).

The information necessary to make the determinations needed for recontrol of bulk whiskey and packaged distilled spirits will be gathered in three ways. In the first place, the suspension provisions of this revision provide that the Director of Price Stabilization may request or require price quotations of bulk whiskey from a representative sample of sellers. Secondly, a representative group of distillers who sell case goods will be requested or required to submit price lists monthly whenever prices are changed or new brands added to their lists. Finally, the Director of Price Stabilization or his authorized representative periodically will collect retail price data on important brands.

As for bulk wines and packaged wines, the reimposition of controls will depend primarily upon the price movements of bulk dessert wine, which accounts for about 67 percent of total bulk wine production and sales. The prices of bulk dessert wine and bulk table wine ordinarily move in the same direction and the prices of packaged wine are generally closely tied to bulk wine prices. Specifically, controls both on bulk and on packaged wine will be reimposed when and if the prices for bulk dessert wine reach a level at least 20 percent below the ceiling prices for that wine. Weekly bulk market price reports are available for use in tracing the significant price movements.

The movement of prices on packaged wine will also be watched so as to determine whether they are increasing independently of increases in bulk wine prices. Controls will be reimposed on packaged wine when prices reach the January 1951 level.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.

ARTICLE II—EXEMPTIONS

2. Exemptions.

ARTICLE III—SUSPENSIONS

Sec.
10. Suspension of controls applicable to distilled spirits and wines.

AUTHORITY: Sections 1 to 10 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this revised regulation does.* The sections contained in Article II of this revised regulation exempt all sales of the commodities listed therein, unless otherwise stated, from any ceiling price regulation issued by the Office of Price Stabilization. The sections contained in Article III suspend the application of any ceiling price regulation to the stated sales of the commodities listed therein.

ARTICLE II—EXEMPTIONS

SEC. 2. *Exemptions.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities specifically listed in the following paragraphs:

(a) *Meat and related products.* (1) Pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal), when those products are sold in the raw or semi-processed state. ("Pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal)" mean those glands which are obtained as by-products in the slaughter of bovine (cattle and calves), ovine (sheep and lambs) and porcine (swine) species. "Raw or semi-processed state" means the ordinary state of preservation common to the slaughtering industry in which those commodities are sold by the slaughterer if he sells directly or through an intermediate seller.)

(2) Dead stock or dead animals when sold for the recovery of inedible products.

(b) *Fish.* (1) Canned Maine whole soft shell clams.

(c) *Specialty food items.* (1) All sales of the following domestically produced or imported specialty food items.

(i) Water ground corn meal.

(ii) These fish and sea food items: pates; pastes; purees; clam juices; fish roe; caviar; fish and sea food hors d'oeuvres.

(iii) Frozen hollandaise sauce.

(iv) These canned fruits and berries: whole or half citrus fruits (not sectionized); brandied, liquor flavored, or stuffed fruits or berries (except olives); cocktail slices and sticks (fruits); cocktail cherries with stems; and white Catawba grape juice.

(v) Wine or liquor jells and jellies which do not contain unfermented fruit or fruit juices; preserved kumquats; melon and fruit rind.

(vi) Hollandaise sauce, plain.

(vii) The following canned poultry items: livers; hearts; gizzards; and pates.

(viii) Wild game, canned; turtle meat, canned; pate de foie gras, canned; and rattlesnake meat, canned.

(ix) Pickled rind.

(x) Wild rice.

(xi) The following canned soups: turtle, wine flavored; smoked turkey; game bird; fish or sea food (except clam chowder); almond; artichoke; broccoli; cucumber; and water cress.

(xii) Rock candy syrup.

(xiii) Herbal vinegar; and wine vinegar.

(xiv) Truffles; capers; canned snails; crepes suzette; canned fried worms; babas in tins; walnut sauce; and Easter egg dye.

(xv) Bird seed, bird biscuit and other bird food.

(xvi) Coffee packed in bags, each containing only the amount necessary to make one ordinary cup of coffee.

(2) Sales by importers, wholesalers and retailers only of the following domestically produced or imported specialty food items in consumer size containers: smoked tongue; cocktail frankfurters; meat pates; French onion soup; cocktail mushrooms; cheese dressings; wine gelatins and wine dessert powders; sauces (except meat sauces) containing fish or sea food.

(3) All sales of the following imported specialty food items when imported in consumer size containers: breakfast cereals; cocoa, chocolate and cereal drink preparations; roasted coffee in containers of two (2) pounds or less; cookies, crackers, toast; non-sterile processed fish (except herring and salmon); fruits, berries and fruit juices (except pineapple and pineapple juices); gelatin and pudding mixtures; jams, jellies, preserves, honey; macaroni and spaghetti products; mayonnaise and salad dressing; canned meats (except beef and beef products) in containers of two (2) pounds or less; pickles and relishes; spices and herbs; soups; syrup; tea; canned vegetables and vegetable juices, dried and dehydrated vegetables; vinegar.

(d) *Grocery products.* (1) Packaged domestic whiskey bottled prior to December 5, 1933. (The terms "packaged," "domestic," and "whiskey" are defined in Ceiling Price Regulation 78, as amended, the Basic Alcoholic Beverage Regulation.)

(2) Honey, but only when sold by packers thereof.

(3) Unpopped or popped popcorn. ("Popped popcorn" means plain, seasoned, or flavored popcorn; it does not mean any commodity consisting of popped popcorn combined with one or more other products.)

(4) Sorghum syrup, but only when sold by producers therof.

(5) Pure maple sugar candy, which is candy made from pure maple syrup with no other ingredients added.

(6) Natural or distilled water, provided it is neither carbonated nor flavored.

(7) Corn cobs.

(8) Edible sugar cane molasses, but only when sold by producers thereof. ("Edible sugar cane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted for sugar cane, provided that the total sugar content is not less than 57 percent by weight, the sulphated ash content is not more than 9 percent by weight, and the soluble non-sugar solids are more than 6 percent of total soluble solids.) Producers of edible sugar cane molasses are, however, subject to the following record keeping and reporting requirements:

(i) *Records.* Every producer who in the regular course of business produces edible sugar cane molasses shall make and keep for inspection by the Director of Price Stabilization for a period of two years complete and accurate records of each sale or purchase made after November 16, 1951. The records must show the date of the sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity and type. The records must indicate whether each purchase or sale is made on an f. o. b. shipping or on a delivered basis, and in the former case the shipping and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts and allowances.

(ii) *Reporting.* Producers selling edible sugar cane molasses shall notify the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., within ten days after making any increase in prices above those in effect on November 16, 1951. The report should include the General Ceiling Price Regulation price with the terms and conditions of sale and the new price with the terms and conditions of sale.

(e) *Canned fruit, vegetable and berry products.* The following domestically processed canned (in tin or glass) or packaged fruit, vegetable and berry products:

(1) Canned artichoke products whose vegetable ingredient consists predominantly of artichokes or parts thereof.

(f) *Miscellaneous.*

(1) Fur seal meal.

(2) Safflower oil and safflower seeds.

(3) Copra slab cake produced in the United States, copra oil meal produced in the United States, and copra pellets produced in the United States.

ARTICLE III—SUSPENSIONS

SEC. 10. *Suspension of controls applicable to distilled spirits and wines.* (a) On and after June 23, 1952, the application of all ceiling price regulations, heretofore or hereafter issued by the OPS, to sales for off-premise consumption of imported and domestic bulk whiskey, imported and domestic bulk wines, and imported and domestic packaged distilled spirits and wines is suspended. If, however, you are a seller of those commodities for off-premise consumption and were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning those commodities, you shall continue to preserve and make available for examination by the OPS, in the manner and for the period set forth in that regulation, all such records which you were required to have on June 21, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, request or require you to submit data pertaining to prices charged for those commodities and to changes made in the prices of those commodities after June 21, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(b) Definitions of terms used in this section 10 are contained in Article III of Ceiling Price Regulation 78, as amended.

Effective date. This revised regulation is effective June 23, 1952.

NOTE: The record-keeping and reporting requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6979; Filed, June 23, 1952; 11:24 a. m.]

[General Overriding Regulation 14, Amdt. 16]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

CERTAIN TEXTILE SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the list of services suspended from price control those services which are performed in the course of the manufacture or processing of any fiber, yarn or fabric as to which the applicable ceiling price regulation has been suspended, or which has been excepted from price control.

Price controls over certain fibers, yarns and fabrics have been suspended because those commodities generally are selling at prices materially below ceilings and are not expected to reach ceilings in the foreseeable future. In general, a low level of selling prices of commodities has a depressing effect on the charges for services connected with the manufacture or processing of these commodities. As long as the prices of these commodities do not rise to any significant degree, resistance against increased charges for the services will continue. And since it is not anticipated that the prices of the commodities will reach ceilings in the foreseeable future, it appears that market forces will operate to prevent appreciable increases in the service charges as well.

This amendment also suspends from price control services performed in the manufacture and processing of American-Egyptian Cotton. American Egyptian Cotton is not subject to price control, having been excepted by section 14 (s) (5) of the General Ceiling Price Regulation. Inasmuch as controls are being suspended by this amendment as to services such as ginning, baling and wrapping on American Upland cotton, it is considered advisable to suspend price control on those services when they are performed upon American-Egyptian cotton.

In the judgment of the Director, controls over the services suspended by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, this suspension will be terminated as to a service when controls are re-activated as to the fiber, yarn or fabric on which the service is performed.

All records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

1. Section 4 is amended by adding paragraph (b), to read as follows:

(b) The application of any ceiling price regulation, now or hereafter issued, to the services listed below, is suspended until further notice by the Director of Price Stabilization; *provided, however,* That persons who were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning these services, shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in said regulation, all such records which they were required to have on June 21, 1952, or, in the case of services added to this section by subsequent amendment, which they were required to have on the effective date of any such amendment.

(1) All services performed in the manufacture or processing of any fiber, yarn, or fabric as to which the applicable ceiling price regulation has been suspended or which have been excepted from price control. Such services include ginning, baling, wrapping, throwing, commission weaving, commission warping and slashing, wool scouring, top making, spinning, burling and mending, garnetting, carbonizing, winding, dyeing, finishing, bleaching, scouring, napping, printing, mercerizing, singeing, shrinking, felting, shearing, water-proofing, gas-proofing, saponifying, embossing, moireing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 14 shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6978; Filed, June 23, 1952; 11:24 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6, Revision 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 6—MILK PRODUCTS FOR FLUID CONSUMPTION IN SPRINGFIELD, MASS., MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738) and Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), Delegation of Authority No. 41 (16 F. R. 12679) and Region I Redelegation of Authority No. 22 (17 F. R. 260), this Revised Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the date Area Milk Price Regulation 6 was issued, a petition for amendment of Area Milk Price Regulation 6 has been received from dealers in the Springfield Milk Marketing Area. The Springfield District Office of the Office of Price Stabilization, in addition to processing and giving effect to the request of the milk dealers contained in the petition for amendment, considers it appropriate now, in the light of the more recent information it has, to make a number of additional corrections and clarifications. Accordingly, the Springfield District Office of the Office of Price Stabilization is issuing the accompanying revision of Area Milk Price Regulation 6, rather than a lengthy amendment, for the convenience of the industry. The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Pursuant to this authority, as delegated and redelegated, this revised Area Milk Price Regulation is being issued adjusting prices for the Springfield Milk Marketing Area on sales of milk, cream, and cottage cheese within that area by processors and distributors. Sales by retail stores are not covered by this revised regulation. Milk products and sales not covered by this revised regulation remain subject to the provisions of the General Ceiling Price Regulation.

The marketing area was determined after considering all relevant factors such as places where milk is processed and utilized, places where milk in the area originates, the prevailing wage rates in the area, and historic differences in retail pricing between this area and the rest of the state. Moreover, sellers covered by this revised regulation proposed this area to the Springfield District Office.

This revised regulation provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation. Under this method each seller applies a uniform set of adjustments to the highest prices he charged for fluid milk product items during the period December 19, 1950, to January 25, 1951.

The uniform adjustments and the resulting ceiling prices give effect to increases in cost of direct labor, containers and raw materials between the pre-Korean period and a current period, and to changes in selling prices between the pre-Korean and General Ceiling Price Regulation base periods. In addition, this revised regulation takes into consideration increases in the cost of the so-called fringe benefits such as Federal Insurance Contributions Act payments, Federal and State Unemployment Compensation Act payments, Workmen's Compensation Insurance premiums, paid vacations, employer pension contributions, etc., where such payments are directly applicable to direct processing and distribution labor. These expenses were not all considered when the original Area Milk Price Regulation 6 was issued.

Current raw material prices upon which the uniform adjustments are predicated are specified in section 5, and were applicable to May 1952. As future increases and decreases in these prices take place, equivalent upward adjustments in ceilings will be permitted, and equivalent downward adjustments must be made.

Increases in the cost of milk from the pre-Korean period to the current period, and future milk cost changes, upon which adjustments under this revised regulation are based, reflect changes in the minimum Class I price to producers.

Calculations were based on data submitted by a representative group of distributors. The revised regulation is a result of petitions received from 7 distributors who represent approximately 60 percent of the volume of milk sold in the area. Among those petitioning were large, medium, and small dealers. Spot checks and audits were made to determine the accuracy of reported costs and sales volumes contained in the petitions.

Every effort has been made to conform this revised regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this revised regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of the Springfield District Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this revised regulation.

In the judgment of the Director of the Springfield District Office of the Office of Price Stabilization, the provisions of this revised Area Milk Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Springfield District Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives

of the Defense Production Act of 1950, as amended; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this revised area milk price regulation does.
2. Where this revised area milk price regulation applies.
3. Sellers and sales covered by this revised regulation.
4. Ceiling price adjustments.
5. Adjustments for raw material cost changes.
6. Rounding of fractions.
7. Sellers who cannot price under other sections.
8. Reports.
9. Transfers of business or stock in trade.
10. Records.
11. Evasion.
12. Charges lower than ceiling prices.
13. Sales slips and receipts.
14. Power of Director.
15. Prohibitions.
16. Penalties.
17. Definitions.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this revised area milk price regulation does.* This revised area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation for sales of fluid milk products in the Springfield, Massachusetts Milk Marketing Area. These adjustments are applied to the highest prices at which you sold fluid milk product items to a particular class of purchaser during the period December 19, 1950, through January 25, 1951. This revised regulation provides for further ceiling price adjustments in accordance with future variations in the costs of raw milk and cream.

SEC. 2. *Where this revised area milk price regulation applies.* The provisions of this revised regulation apply to the Springfield, Massachusetts Milk Marketing Area which consists of the entire area within the boundaries of Hampden and Hampshire Counties in the Commonwealth of Massachusetts.

SEC. 3. *Sellers and sales covered by this revised regulation.* This revised regulation covers retail and wholesale sales of milk, cream, and cottage cheese by processors and distributors, and sales of these products by processors to distributors. This revised regulation covers all such sales to a purchaser located outside the area unless the products are resold outside the area. It does not cover any sales to a purchaser located outside the area unless the products are resold inside the area.

SEC. 4. *Ceiling price adjustments.* Your ceiling price for a sale of a fluid milk product to a particular class of purchaser shall be the highest price you charged each purchaser for the item during the period December 19, 1950, through January 25, 1951, adjusted by a uniform adjustment in accordance with the applicable provisions of this section.

(a) *Basic container sizes.* The uniform adjustments for all fluid milk product items packaged in basic container sizes shall be as shown in the following table:

Product	Container size	Uniform adjustment	
		Retail and wholesale sales	Sales to distributers
Milk	Quart	No adjustment	Minus $0.005.
Heavy cream (above 34 percent butterfat)	½ pint	do	No adjustment
Light cream (16–34 percent butterfat)	do	do	Minus $0.005.
Creamed cottage cheese	16 ounces	Plus $0.055	Plus $0.01.

(b) *Other sizes.* The uniform adjustment for each fluid milk product item which is packaged in a container of a size other than the basic container size applicable to the particular product shall be an amount which is in the same relationship to the uniform adjustment applicable to the basic container size as the other size is to the basic size. Examples of adjustments for other container sizes are included under section 5.

SEC. 5. *Adjustments for raw material cost changes.* Your ceiling prices as established by section 4 shall be adjusted to reflect future changes in raw material costs of milk and cream in accordance with the provisions of this section. However, such adjustments are also subject to the "rounding" provisions of section 6.

(a) *Specified prices.* Ceiling prices determined pursuant to section 4 are predicated upon the following specified prices for May 1952:

Minimum Class I milk price per hundredweight payable to producers, as announced by the Federal Milk Market Administrator for the Springfield, Mass., Marketing Area: $5.95.

Weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as announced by the Federal Milk Market Administrator: $29.915.

Gross skim value for 90-pounds skim per 100-pounds Class 2 milk, as announced by the Federal Milk Market Administrator: $1.2364.

(b) *Changes from specified prices; basic sizes.* If the most recently announced price if a product specified in paragraph (a) of this section is higher than the specified price, you may increase your ceiling prices for applicable items of fluid milk products packaged in basic container sizes by an equivalent rate per unit. If the most recently announced price is lower than the specified price you must decrease your ceiling prices for such items by the equivalent rate per unit.

Example No. 1. You are a processor or distributor of milk in quart containers. The price of $5.95 per hundredweight specified for Class I milk in Section 5 (a) is later increased to $6.39 per hundredweight. Subtract $5.95 from $6.39 and divide the difference of $0.44 by 46.5 (the number of quarts in 100 pounds of milk). The equivalent rate of increase per quart of milk is therefore $.0946 cents per quart.

Example No. 2. You are a processor or distributor of heavy and light cream in half-pint containers. The price of $29.915 per can for 40-quart can of 40 percent cream specified in Section 5 (a) is later increased to $32.915. Subtract $29.915 from $32.915 and divide the result of $3.00 by the particular divisor shown below for each of these items, to obtain the indicated adjustment. In each case, the divisor represents the number of ½ pints which would contain the same quantity of butterfat as a 40-quart can of 40 percent cream. It is to be assumed that the respective grades of cream contain the indicated percentages of butterfat.

Item	Divisor	Adjustment (in cents)
½-pint heavy cream (40 percent).	160	1.875
½-pint light cream (20 percent).	320	.9375

(c) *Changes from specified prices; other sizes.* Adjustments of ceiling prices of fluid milk products packaged in container sizes other than the basic container sizes, and due to changes from specified prices, shall be calculated as follows. First, calculate the adjustment for the basic container size, in accordance with paragraph (b) of this section. Then, apply the "rounding" provisions of section 6 (a) for the basic container size. The adjustment for each item packaged in another-sized container shall be in the same relationship to the "rounded" adjustment as the other size is to the basic size.

Example. You are a processor or distributor of milk in ½-pint and 8-quart containers and of light cream in quarts. The price changes referred to in Examples No. 1 and No. 2 in section 5 (b) take place. The further calculations are:

Product	Rounded adjustment for basic container size (cents)	Adjustment for other size (cents)
Milk	1.0 per quart	(0.25 per ½ pint. (8.0 per 8 quart can.
Light cream	1.0 per ½ pint	4.0 per quart.

SEC. 6. *Rounding of fractions.* (a) If, in computing an adjusted ceiling price pursuant to section 5, you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it to the nearest ½-cent per quart of milk, ½-pint of cream and pound of cottage cheese, in accordance with the following table:

Increase or decrease from specified price (in cents):	*Increase or decrease in ceiling price (in cents)*
Up to 0.250	0
0.251 to 0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction, or during a customary billing

period, after rounding of fractions in unit prices as provided in paragraph (a) of this section, shall be dropped if less than ½-cent and may be increased to the next higher cent if ½-cent or more.

SEC. 7. *Sellers who cannot price under other sections.* If you are unable to establish a ceiling price for the sale of an item covered by this revised regulation either because you did not sell that item during the period December 19, 1950, through January 25, 1951, or for any other reason, you may, in writing, apply to the Springfield District Office of the Office of Price Stabilization for a determination of a ceiling price for the sale of the item or of the method you shall use for computing a ceiling price for the item. The application shall contain an explanation of why you are unable to determine the ceiling price, the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation, and the raw material cost price upon which it is based. You may not sell the item until the Director of the Springfield District Office of the Office of Price Stabilization notifies you by Letter Order of your ceiling price or method of computing your ceiling price. After such determination of your ceiling price you shall compute your adjustment comparable to those provided in section 5 from the price specified in the Letter Order of the Director of the Springfield District Office of the Office of Price Stabilization.

SEC. 8. *Reports.* (a) Within five days after the effective date of this revised regulation, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, notifying the Director of your ceiling prices, as determined by you under section 4 of this revised regulation, for each item of fluid milk products. This report shall be on OPS Public Form 124 which may be obtained from that office.

(b) Within five days after the date of an official announcement indicating that the price of a product specified in section 5 (a) is less than the specified price, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, giving the following information:

(1) Your ceiling price, as determined under section 4 of this revised regulation for each item of fluid milk products;

(2) The adjusted ceiling price for each item of fluid milk products determined under section 5 of this regulation.

(c) Upward adjustments in your ceiling prices pursuant to section 5 of this revised regulation, may not be made before you deposit in the mail a registered letter to the Director of Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, giving the information listed in paragraph (b) of this section.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this revised regulation, and the transferee carries on the business, or continues to deal in fluid milk products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this revised regulation if no such sale or transfer had taken place, and the transferee's obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this revised regulation.

SEC. 10. *Records.* (a) With respect to fluid milk products covered by this revised regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this revised regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to fluid milk products covered by this revised regulation, prices and material and labor costs in the period January 1, 1950, to June 30, 1950, inclusive; records, showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation, and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years; records of the kind which you customarily keep showing the prices which you charge for fluid milk products covered by this revised regulation.

SEC. 11. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this revised regulation is a violation of this revised regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 12. *Charges lower than ceiling prices.* Lower prices than those established under this revised regulation may be charged, demanded, paid or offered.

SEC. 13. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 14. *Power of Director.* The Director of the Springfield District Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices established under this revised regulation, so as to bring prices so established into line with the level of ceiling prices for such items otherwise prevailing in the area.

SEC. 15. *Prohibitions.* After the effective date of this revised regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any fluid milk product at a price in excess of the ceiling price established for it by this revised regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 16. *Penalties.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this revised regulation fails to file the reports required by this revised regulation, or if any person required to do so by this revised regulation fails to establish a ceiling price, or apply to the Director of the Springfield District Office of the Office of Price Stabilization for the establishment of a ceiling price, then the Director may issue a Letter Order establishing ceiling prices for the fluid milk products such person sells. Any ceiling price established in this manner will be in line with ceiling prices established by this revised regulation. The order establishing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this revised regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this revised regulation or of the various penalties for failure to do so.

SEC. 17. *Definitions.* (a) *Milk.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate milk; and any other milk or skim milk variation; regardless of whether such products are sold in glass, paper or other type of containers, or in bulk.

(b) *Cream.* This term means cream of various percentages of butterfat, including soured cream, regardless of whether such products are sold in glass,

paper, or other type of containers, or in bulk.

(c) *Fluid milk products.* This term means milk, cream, and creamed cottage cheese.

(d) *Retail and wholesale sales.* This term means sales by a processor or distributor to a purchaser other than a distributor. Examples are sales to homes, stores, restaurants, and institutions.

(e) *Basic container size.* This term means one quart for milk items, one-half pint for cream items, and 16 ounces for cottage cheese items.

(f) *Terms defined elsewhere.* All terms not defined in this revised regulation but defined in Supplementary Regulation 63 to the General Ceiling Price Regulation or in the General Ceiling Price Regulation shall be construed as therein defined unless otherwise clearly required by the context of this revised regulation.

Effective date. This revised area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is effective June 20, 1952.

NOTE: The record keeping and reporting requirements of this revised regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

GILBERT C. HANCOCK,
Director of the Springfield District Office.

JUNE 20, 1952.

[F. R. Doc. 52-6920; Filed, June 20, 1952; 4:51 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Procedural Regulation, Amdt. 4]

GENERAL WAGE PROCEDURAL REGULATION

REPORTS FILED FOR NEW PLANTS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this amendment to the General Wage Procedural Regulation (16 F. R. 10018) is hereby issued:

AMENDATORY PROVISIONS

The text of subparagraph (3) of section 4.4 (a) is redesignated as subdivision (i), and a new subdivision (ii) is added to section 4.4 (a) (3) to read as follows:

(ii) The provisions of subdivision (i) of this subparagraph shall not apply to a unilateral report filed pursuant to General Wage Regulation 9 where at the time the report was filed there was no certified or recognized collective bargaining representative of any of the employees involved in the report, and no election had been ordered by the National Labor Relations Board, or similarly authorized State agency, and no consent election agreement had been executed, to determine the status of a labor organization as the collective bargaining agent for any of such employees. The processing of such unilateral report shall, however, be without prejudice to the right of any labor organization thereafter certified or recognized to bargain with the employer concerning such rates and to submit any resultant agreement for Board approval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board on June 5, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6988; Filed, June 23, 1952; 11:47 a. m.]

Chapter V—Defense Production Administration

[Regulation No. 2, Revocation]

REG. 2—LOANS UNDER SECTION 302 OF THE DEFENSE PRODUCTION ACT OF 1950

REVOCATION

DPA Reg. 2, originally issued as Part 601 of Chapter VI—National Security Resources Board (15 F. R. 7978), is hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect when published in the FEDERAL REGISTER.

Issued June 23, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-6986; Filed, June 23, 1952; 11:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ITALY, MEXICO AND RUMANIA

a. In § 127.283 *Italy (including the Republic of San Marino)* make the following changes:

1. Strike out subdivisions (ii) and (iii) of paragraph (b) (6). (16 F. R. 6801; 17 F. R. 3413.)

2. Amend paragraph (c) (1) to read as follows:

(1) *Table of rates.* (Surface only).

Pounds:	*Rate*	Pounds:	*Rate*
1	$0.06	12	$0.72
2	.12	13	.78
3	.18	14	.84
4	.24	15	.90
5	.30	16	.96
6	.36	17	1.02
7	.42	18	1.08
8	.48	19	1.14
9	.54	20	1.20
10	.60	21	1.26
11	.66	22	1.32

NOTE: The weight limit of "U. S. A. Gift Parcels" is 22 pounds. The other tabulated information following the parcel-post rate tables is also applicable to "U. S. A. Gift Parcels," except that such parcels may not be insured.

3. Strike out the last sentence in subdivision (i) of paragraph (c) (2), (17 F. R. 3413), and insert in lieu thereof the following: "Such parcels sent more frequently than one per month to one addressee are subject to customs duty. Parcels which prove to be undeliverable are not returned to the senders, but are handed over to the Italian Red Cross for disposal."

4. Redesignate subdivision (iii) of paragraph (c) (2) as subdivision (ii), and insert new subdivision (iii) to read as follows:

(iii) See also § 127.55 (j).

b. In § 127.304 *Mexico* (16 F. R. 2349), amend subdivision (v) of paragraph (b) (9) by adding the following as a paragraph:

(*a*) Cigars and cigarettes, unless they bear Mexican revenue stamps applied by the manufacturers.

c. In § 127.341 *Rumania* amend subdivision (v) of paragraph (b) (6) by adding the following:

(*h*) Used military clothing.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6830; Filed, June 23, 1952; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

LEEWARD ISLANDS AND SENEGAL

a. In § 127.292 *Leeward Islands* (Anguilla, Antigua, Barbauda, Montserrat, Nevis, Redonda, St. Christopher or St. Kitts and Virgin Islands (British)) amend paragraph (b) (1) by adding a subdivision (ii) immediately following the table of information under the table of rates in subdivision (i) to read as follows:

(ii) *Air mail service; Antigua only.* Effective June 16, 1952, air parcel post service will be inaugurated to Antigua, Leeward Islands, subject to the general conditions set forth in § 127.55 (a) at the following rates: $0.50 for the first 4 ounces and $0.20 for each additional 4 ounces or fraction.

b. In § 127.349 *Senegal* amend paragraph (b) (1) by adding a subdivision (ii) immediately following the note under the table of rates in subdivision (i) to read as follows:

(ii) *Air mail service.* Effective June 16, 1952, air parcel post service will be inaugurated to Senegal subject to the general conditions set forth in § 127.55 (a) at the following rates: $0.90 for the first 4 ounces and $0.50 for each additional 4 ounces or fraction.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6831; Filed, June 23, 1952; 8:49 a. m.]

PART 151—PROCEDURES BEFORE THE SOLICITOR

MISCELLANEOUS AMENDMENTS

a. In § 151.100 *Requisites of application* amend paragraph (b) to read as follows:

(b) The application for a permit must be made in writing. It must state the name, address and business of the applicant and must set forth the name and the scientific education, training and experience, particularly with reference to bacteriology and pathology, of the person who will handle, or will supervise and direct the handling by others of, the tissues which will be mailed under the permit.

b. Amend § 151.102 *Revocation and suspension of permits; basis* to read as follows:

§ 151.102 *Revocation and suspension of permits; basis.* (a) Permits to receive diseased tissues may be suspended or revoked upon evidence that the person upon whose stated qualifications the application was granted (see § 151.100 (b)), or one substituted for him as provided in subparagraph (b) of this section, fails to possess the necessary qualifications as to scientific education, training and experience.

(b) Permits shall not be valid with respect to diseased tissues handled by any person other than the one named in the application, or persons acting under his supervision and direction; or by, or under the supervision and direction of, some other person qualified in accordance with § 151.100 (b) whose name and statement of qualifications shall be filed with the Solicitor prior to the receipt of the tissues.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369; 18 U. S. C. 1716)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6832; Filed, June 23, 1952; 8:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES; TEMPORARY EXTENSION OF EXEMPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

On September 7, 1951, pursuant to authority vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45) (hereinafter called the "act") I granted, after an open hearing, an exception permitting the award of contracts for the procurement of the following canned fruits and vegetables for the Armed Forces of the United States until and including December 31, 1951, without the inclusion therein of the representations and stipulations of section 1 of the act (16 F. R. 9290):

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string, canned.
Beets, canned.
Berries, canned.
Carrots, canned.
Catsup, tomato.
Cherries, sour, canned.
Cherries, sweet, canned.
Corn, cream style, canned.
Corn, whole grain, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green, canned.
Peaches, canned.
Pears, canned.
Pineapple, canned.
Plums (prunes), canned.
Potatoes, sweet, canned.
Pumpkin, canned.
Puree, tomato.
Sauce, cranberry.
Spinach, canned.
Tomato juice, canned.
Tomato paste, canned.
Tomatoes, canned.

By order published in the FEDERAL REGISTER January 3, 1952, this exemption was extended through June 30, 1952. In accordance with § 201.601 of the regulations issued pursuant to the act (41 CFR 201.601), the Secretary of the Army has made a written finding, transmitted through the Department of Defense on June 6, 1952, that the conduct of vital procurement will be impaired unless this exemption is extended through the balance of calendar year 1952 for the canned fruits and vegetables specified; and pursuant to section 6 of the act and upon the basis of this finding, the Secretary of the Army has requested the Secretary of Labor to grant an extension of the exemption during the calendar year 1952.

For the purpose of providing sufficient time for a thorough study of all of the factors involved in this requested extension, and in order to avoid any interruption to procurement of the commodities involved, a temporary extension of this exemption to August 15, 1952, is herewith ordered.

Signed at Washington, D. C., this 18th day of June 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-6826; Filed, June 23, 1952; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[General Order 60, Supp. 2, Amdt. 7]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART A—GENERAL PROVISIONS

Paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by adding to the tabulation at the bottom thereof the following:

Type of vessel	Insurance for 1 year	Other expenses	Total
C4-S-A3 (turbine)			[1] $344,000
P2-S2-R2 (turbine)			[1] 471,000
C4-S-A3 (turbine)	$87,000	$259,000	[2] 386,000
P2-S2-R2 (turbine)	192,000	416,000	[2] 608,000

[1] Effective from Aug. 2, 1946, to Apr. 11, 1947, both inclusive.
[2] Effective from Apr. 12, 1947, to Aug. 12, 1949, both inclusive.

(Sec. 204, 49 Stat. 1987, as amended, Sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App. 1745)

Dated: June 17, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-6869; Filed, June 23, 1952; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 24-28, 30, 32, 38, 43, 45, 46, 50-65, 70-83, 90-102, 110-120, 131, 135, 140, 141, 144, 157, 162]

[CGFR 52-33]

VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Tuesday, July 22, 1952, commencing at 9:30 a. m., in Room 2020, Coast Guard Headquarters, Thirteenth and E. Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the vessel inspection regulations as generally described in Items I to XXXII, inclusive, below.

2. The proposed changes in the regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 6 to 83, inclusive. The Merchant Marine Council Public Hearing Agenda (CG-249) has been prepared. Due to the extent of the revision of regulations required, this agenda has been printed in five booklets containing eight volumes of material arranged by subjects. The volumes and titles are as follows:

Volume I—Passenger Vessels.
Volume II—Cargo and Miscellaneous Vessels.
Volume III—Uninspected Vessels.
Volume IV—Electrical Engineering.
Volume V—Marine Engineering.
Volume VI—Bulk Grain Cargo.
Volume VII—Load Lines.
Volume VIII—Manning of Vessels.

This agenda contains the specific changes proposed and where possible the

present and proposed regulations are set forth in comparison form, together with reasons for the changes where necessary. Comments on the proposed changes in the vessel inspection regulations are desired. Copies of this agenda have been mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes should submit them in writing for receipt prior to July 18, 1952, by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration of comments and to facilitate checking and recording it is essential that each comment regarding a proposed section shall be submitted on Form CG-3287 showing the specific item and page number of the agenda, section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. There is a small quantity of this form attached at the end of each agenda. In the event additional forms are required, they may be obtained upon request. Oral comments may be submitted before the Merchant Marine Council on July 22, 1952. At the public hearing the proposed revisions and amendments to the regulations will be considered in the order of the item numbers assigned to the various subjects under consideration.

4. On November 19, 1951, the fifteenth country deposited its ratification of the 1948 Convention for Safety of Life at Sea with the British Government. Therefore, the requirements contained in this Convention will come into force on November 19, 1952, insofar as the United States is concerned. The United States Coast Guard is one of the primary governmental agencies concerned with the administration of the 1948 Convention for Safety of Life at Sea, and the Commandant is charged with implementing this Convention by promulgating the necessary vessel inspection regulations to give force and effect to the Convention. It will, therefore, be necessary that the proposed regulations set forth in the agenda be considered and comments submitted at once in order to permit the publication of the regulations as soon as possible after the public hearing so that all persons concerned will be aware of the new requirements coming into effect on November 19, 1952.

5. The style of presentation of the present vessel inspection regulations in 46 CFR Chapter I does not show readily the applicable requirements to passenger vessels, dry cargo vessels, and miscellaneous types of vessels in the merchant marine. The Administrative Procedure Act requires that regulations having future force and effect shall be published in such a manner that persons affected thereby will be able to understand the requirements applicable to them. The Revised Statutes containing the basic authority for vessel inspection regulations have been amended many times and other laws which supplement or complement the Revised Statutes, as well as many conventions and treaties ratified since 1872, have a direct bearing on the vessel inspection regulations. It is necessary that the format of the vessel inspection regulations applicable to certain types of vessels in the merchant marine be revised in order that those concerned or affected will be able to readily determine what regulations are applicable to them. Since it is necessary to revise many of the vessel inspection regulations in order to implement the 1948 Convention for Safety of Life at Sea, it is proposed to accomplish a revision of the format of the regulations, as well as a revision of the requirements, at the same time. Because of the scope and extent necessary in the navigation and vessel inspection regulations, the proposed regulations to be considered at this public hearing are in addition to the proposed regulations considered at the public hearings held September 18, 1951, and March 25, 1952.

VOLUME I—PASSENGER VESSELS

6. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations applicable to passenger vessels, so that passenger vessel requirements will be in one subchapter, it is proposed to cancel the present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain load line regulations and motorboat regulations applicable to passenger-carrying motorboats or motor vessels, and place them in one subchapter entitled "Passenger Vessels." In Items I to IX are the specific requirements set forth by general subjects.

ITEM I—GENERAL PROVISIONS

7. It is proposed to establish a new Part 70 entitled "General Provisions" applicable to passenger vessels. This part will contain regulations regarding authority and purpose, application of regulations to all types of vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and references regarding marine engineering requirements. It is also proposed to cancel 46 CFR 43.015, 45.012, and 46.017, regarding equivalents, which are now published in the load line regulations.

8. The authority for regulations regarding general provisions applicable to passenger vessels is in R. S. 4405, 4462, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 5 (e), 55 Stat. 245, as amended; 46 U. S. C. 375, 462, 367, 526p, and 50 U. S. C. App. 1275.

ITEM II—INSPECTION AND CERTIFICATION

9. It is proposed to establish a new Part 71 containing the applicable vessel inspection requirements for passenger vessels. This part will set forth requirements for certificate of inspection, permit to proceed to another port for repair, permit to engage in excursions, inspection of vessels, initial inspection, annual inspection, reinspection, special surveys, sanitary inspection, inspection of tail shafts, drydocking, repairs and alterations, gas freeing, and plan approval. It is proposed to consolidate requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59-65, 76-83, 94-102, 113-120); and construction and alteration of passenger vessels of 100 gross tons and over (46 CFR Part 144); as well as requirements in 46 CFR 46.024, regarding plans and inspections of new and converted vessels for load line purposes; which will all be canceled.

10. The authority to prescribe regulations regarding inspection and certification for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428-4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, and 12, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406-412, 435, 366, 395-397, 363, 367, 660a, 1331-1333, and 50 U. S. C. App. 1275.

ITEM III—CONSTRUCTION AND ARRANGEMENT

11. It is proposed to establish a new Part 72, regarding the construction and arrangement of passenger vessels. This part will cover requirements for hull structure, structural fire protection, means of escape, ventilation, accommodations for officers and crew, accommodations for passengers, and rails and guards. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59-65, 76-83, 94-102, 113-120); and construction and material alteration of passenger vessels (46 CFR Part 144); as well as 46 CFR 27.4-4, regarding ventilation of motorboats and motor vessels, which will all be canceled.

12. The authority to prescribe regulations regarding construction and arrangement of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331-1333, and 50 U. S. C. App. 1275).

ITEM IV—WATERTIGHT SUBDIVISION

13. It is proposed to establish a new Part 73, regarding watertight subdivision of passenger vessels. This part will set

forth requirements regarding application of regulations, special definitions, rules for subdivision, peak and machinery space bulkheads and shaft tunnels, double bottoms, penetrations and openings in watertight bulkheads, watertight bulkhead doors, openings in vessel's sides below the bulkhead deck, openings above the bulkhead deck, and special requirements for vessels contracted for prior to 19 November 1952. It is proposed to cancel the load line regulations in 46 CFR 46.1 to 46.6, inclusive, regarding rules for determining subdivision load lines for passenger vessels, 46.9, regarding extent of double bottom, 46.12, regarding watertight floors, 46.13, regarding manholes, 46.20, regarding openings and watertight bulkheads, 46.21, regarding types of watertight doors, 46.22, regarding location of allowed types of doors, 46.23, regarding watertight doors and their operation and fittings, 46.24, regarding design and installation of watertight doors, 46.25, regarding tests of watertight doors, 46.27 to 46.32, inclusive, regarding openings in vessel's sides below the bulkhead deck, 46.33 to 46.36, regarding openings above bulkhead deck, 46.012, regarding relaxations from regulations, as well as applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), and marine engineering regulations regarding wells and double bottoms in 46 CFR 57.10.

14. The authority for regulations regarding watertight subdivision of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331–1333, and 50 U. S. C. App. 1275), and Executive Order 7548, dated February 5, 1937 (2 F. R. 307).

ITEM V—STABILITY

15. It is proposed to establish a new Part 74, regarding stability of passenger vessels. This part will set forth requirements regarding application of regulations, stability tests, stability standards, ballast, stability instructions for operating personnel, and stability letter issued by the Coast Guard. The proposed regulations will cover new requirements regarding stability of vessels in damaged condition and stability tests for passenger vessels which are necessary to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as load line regulations in 46 CFR 46.024, 46.5, 46.11, regarding vessel plans, stability, and center girder, will all be canceled.

16. The authority for regulations regarding stability of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended; sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331–1333, and 50 U. S. C. App. 1275).

ITEM VI—LIFESAVING EQUIPMENT

17. It is proposed to establish a new Part 75, describing the lifesaving equipment necessary for passenger vessels. This part will set forth requirements regarding application of regulations, general provisions pertaining to stowage and marking of lifeboats, life rafts, life floats, and buoyant apparatus; equipment for lifeboats, life rafts, life floats, and buoyant apparatus; davits; blocks and falls; lifeboat winches; installations of lifeboats, davits, and winches; life preservers, wood floats; ring life buoys; water lights; line-throwing appliances; embarkation aids; portable radio apparatus; and ship's distress signals. Extensive revisions have been made in the proposed regulations to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, lakes other than the Great Lakes, and rivers will be canceled (46 CFR Parts 59, 60, 76, 94, 113). It is also proposed to cancel 46 CFR 27.2–2, regarding the number of life preservers on passenger motorboats and motor vessels since such requirements will be included in the passenger vessel regulations.

18. The authority for regulations regarding lifesaving equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 to 21, 49 Stat. 1544, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 404, 474, 475, 481, 489, 367, 526–526t, 1331–1333, and 50 U. S. C. App. 1275).

ITEM VII—FIRE PROTECTION EQUIPMENT

19. It is proposed to establish a new Part 76, regarding fire protection equipment for passenger vessels. This part will set forth requirements regarding application of regulations, fire detecting and extinguishing equipment, fire main systems, steam smothering systems, carbon dioxide extinguishing systems, foam extinguishing systems, water spray extinguishing systems, manual sprinkling systems, automatic sprinkling systems, electric fire detecting systems, pneumatic fire detecting systems, smoke detecting systems, manual alarm systems, hand portable fire extinguishers, and semiportable fire extinguishing systems, and fire axes. The revisions proposed include additional requirements necessary to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 61, 77, 95, 114), as well as fire extinguishing equipment for passenger-carrying motorboats and motor vessels in 46 CFR 27.3–1 to 27.3–7, inclusive, will be canceled.

20. The authority for regulations regarding fire protection equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526–526t, 163–167, 1331–1333, 463a, and 50 U. S. C. App. 1275).

ITEM VIII—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

21. It is proposed to establish a new Part 77, regarding passenger vessel control and miscellaneous systems and equipment required thereon. This part will set forth requirements regarding application of regulations, marine engineering, electrical engineering, internal communication systems, anchors, chains and hawsers, magnetic compasses, radiotelegraph, radio direction finder, navigation lights and shapes, whistles, fog horns, fog bells, sound equipment, and emergency equipment. It is proposed to add new regulations regarding anchors, chains and hawsers, and magnetic compasses, which agree with present practices, but have not been previously written as regulations. The necessary regulations to implement the 1948 Convention for Safety of Life at Sea have been added. It is proposed to cancel the applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as motorboat regulations applicable to passenger-carrying motorboats and motor vessels in 46 CFR 25.1–1 to 25.1–8, for navigation lights, 27.1–1, for navigation lights and sound producing devices, and 25.3–1, for fog bells, since these requirements have been revised and included in the proposed regulations.

22. The authority for regulations regarding vessel control and miscellaneous systems and equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, and 4426, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526–526t, 1331–1333, and 50 U. S. C. App. 1275).

ITEM IX—OPERATIONS

23. It is proposed to establish a new Part 78, regarding operations of passenger vessels. This part will set forth application of regulations, and description of penalties, and requirements regarding notice to mariners and aids to navigation; notice of casualty and voyage records; persons allowed in pilothouse and on navigation bridge; station bills; doors required to be closed at sea; tests, drills, and inspections required at sea; steering orders; unauthorized lights; proper use of searchlights; lookouts, pilothouse watch, patrolmen, and watchmen required while at sea; reports of

accidents, repairs, and unsafe equipment; cable traveller; log book entries; vehicular ferries; railroad passenger car ferries; display of plans; markings required for fire and emergency equipment; general markings required on vessels; posting placards containing breeches buoy instructions; and prohibition regarding carrying of excess steam. It is proposed to cancel the present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as load line regulations in 46 CFR 46.26, regarding closing watertight doors at sea, 46.020, regarding drills and inspections, and 46.021, regarding log book entries, and marine engineering regulations in 46 CFR 57.20–20, regarding report of chief engineer on renewal of fusible plugs. Present procedures and practices have been included in the proposed regulations so that the requirements will be easier to understand and to determine what is required. In addition, the proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been added.

24. The authority for regulations regarding the operations of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, 1331–1333, and 50 U. S. C. App. 1275).

VOLUME II—CARGO AND MISCELLANEOUS VESSELS

25. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations applicable to cargo and miscellaneous vessels, so that these requirements will be in one subchapter, it is proposed to cancel the present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain load line regulations and motorboat regulations applicable to motorboats or motor vessels, and place them in one subchapter entitled "Cargo and Miscellaneous Vessels." In Items X to XVII are the specific requirements set forth by general subjects.

ITEM X—GENERAL PROVISIONS

26. It is proposed to establish a new Part 90 entitled "General Provisions" applicable to cargo and miscellaneous vessels. This part will contain regulations regarding authority and purpose, application of regulations to all types of cargo and miscellaneous vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and references concerning general marine engineering requirements and general electrical engineering requirements. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to amend 46 CFR 30.01–5, regarding application of regulations for tank vessels, as well as to cancel 46 CFR 43.015 and 45.012, regarding equivalents, which are now published in the load line regulations. The applicable requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the motorboat regulations will be canceled (46 CFR Parts 24–28, 59–65, 76–83, 94–102, 113–120).

27. The authority for regulations regarding general provisions applicable to cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4488, 29 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 481, 367, and 50 U. S. C. App. 1275).

ITEM XI—INSPECTION AND CERTIFICATION

28. It is proposed to establish a new Part 91 containing the applicable vessel inspection requirements for cargo and miscellaneous vessels. This part will set forth requirements for the certificate of inspection, permit to proceed to another port for repair, inspection of vessels, initial inspection, annual inspection, sanitary inspections, inspection of tail shaft, drydocking, repairs and alterations, gas freeing, and plan approval. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to consolidate requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and certain requirements from the motorboat regulations, which will be canceled (46 CFR Parts 26, 27, 59–65, 76–83, 94–102, 113–120).

29. The authority for regulations regarding inspection and certification of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, and 12, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–412, 435, 366, 395–397, 363, 367, 660a and 50 U. S. C. App. 1275).

ITEM XII—CONSTRUCTION AND ARRANGEMENT

30. It is proposed to establish a new Part 92, regarding the construction and arrangement of cargo and miscellaneous vessels. This part will cover requirements for hull structure, structural fire protection, means of escape, ventilation, accommodations for officers and crew, and rails and guards. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds and lakes other than the Great Lakes, and rivers, and certain requirements regarding ventilation in the motorboat regulations, will all be canceled (46 CFR Parts 26, 27, 59–65, 76–83, 94–102, 113–120). The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included.

31. The authority for regulations regarding construction and arrangement of cargo and miscellaneous vessels is in R. S, 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 367, and 50 U. S. C. App. 1275).

ITEM XIII—STABILITY

32. It is proposed to establish a new Part 93, regarding application of stability requirements for cargo and miscellaneous vessels, stability test requirements, stability standards, ballast, stability instructions for operating personnel, and stability letter issued by the Coast Guard. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will all be canceled (46 CFR Parts 59–65, 76–82, 94–102, 113–120).

33. The authority for regulations regarding the stability of cargo and miscellaneous vessels is in R. S. 4405 and 4462; as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 367, and 50 U. S. C. App. 1275).

ITEM XIV—LIFESAVING EQUIPMENT

34. It is proposed to establish a new Part 94, describing the lifesaving equipment necessary for cargo and miscellaneous vessels. This part sets forth requirements regarding application of regulations; general provisions pertaining to lifesaving equipment; requirements for lifeboats and life rafts; stowage and marking of lifeboats and life rafts; equipment for lifeboats and life rafts; davits, blocks and falls; lifeboat winches; installation of lifeboats, davits, and winches; life preservers, ring buoys and water lights; line-throwing appliances; embarkation aids; portable radio apparatus for lifeboats on cargo vessels engaged in international voyages, and ship's distress signals. Extensive revisions have been made in the proposed regulations to implement the 1948 Convention for Safety of Life at Sea. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will be canceled (46 CFR Parts 59, 60, 76, 94, 113). It is also proposed to cancel certain requirements in the motorboat regulations, regarding life preservers and other lifesaving devices required for certain cargo and miscellaneous motor vessels (46 CFR Parts 24 to 28), since such requirements will be included in the cargo and miscellaneous vessel regulations.

35. The authority for regulations regarding lifesaving equipment for cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375

and 416). The regulations interpret or apply R. S. 4417, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 404, 474, 475, 481, 489, 367, 526–526t, and 50 U. S. C. App. 1275).

ITEM XV—FIRE PROTECTION EQUIPMENT

36. It is proposed to establish a new Part 95, regarding fire protection equipment for cargo and miscellaneous vessels. This part will set forth requirements regarding application of regulations; fire detecting and extinguishing equipment, where required; fire main systems; steam smothering system; carbon dioxide extinguishing system; foam extinguishing system; water spray extinguishing system; hand portable fire extinguishers and semi-portable fire extinguishing systems; and fire axes. The revisions proposed contain requirements necessary to implement the 1948 Convention for Safety of Life at Sea; in addition, the other requirements were extensively revised to reflect a better arrangement. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as fire extinguishing equipment required for certain cargo and miscellaneous motor vessels in the motorboat regulations, will be canceled (46 CFR Parts 24–28, 61, 77, 95, 114).

37. The authority for regulations regarding fire protection equipment on cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526–526t, 463a, and 50 U. S. C. App. 1275).

ITEM XVI—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

38. It is proposed to establish a new Part 96, regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels. This part will set forth requirements regarding application of regulations; marine engineering systems; electrical engineering and internal communication systems; anchors, chains, and hawsers; magnetic compasses; radiotelegraph; radio direction finder; navigation lights and shapes; fog horns; fog bells; sounding equipment; and emergency equipment. The necessary regulations to implement the 1948 Convention for Safety of Life at Sea have been added. It is proposed to add new requirements regarding anchors, chains, hawsers, magnetic compasses, radiotelegraph, radio direction finder, and certain emergency equipment which agree with present practices but have not been previously written as regulations. It is proposed to cancel the applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements applicable to cargo and miscellaneous motor vessels in the motorboat regulations, since these requirements have been revised and included in the proposed regulations (46 CFR Parts 24–28, 59–65, 76–83, 94–102, 113–120).

39. The authority for regulations regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, and 4426, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526–526t, and 50 U. S. C. App. 1275).

ITEM XVII—OPERATIONS

40. It is proposed to establish a new Part 97, regarding operations of cargo and miscellaneous vessels. This part will set forth the application of regulations, description of penalties, requirements regarding notices to mariners and aids to navigation; notice of casualty and voyage records; persons allowed in pilothouse and on navigation bridge; station bills; tests, drills, and inspections; steering orders; unnecessary whistling; unauthorized lights; proper use of searchlights; lookouts; reports of accidents, repairs, and unsafe equipment; cable travellers; log book entries; markings for fire and emergency equipment, etc.; markings on vessels; placard or breeches buoy instructions; and prohibition regarding carrying of excess steam. The regulations necessary to implement the 1948 Convention for Safety of Life at Sea have been added. The other requirements have been revised in order to have a better presentation of material. The present procedure and practices have been included in the proposed regulations so that the requirements will be easier to understand and to determine what is required. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as certain requirements in the load line regulations as set forth in 46 CFR 43.020 and 45.017, regarding log book entries, will be canceled since these requirements have been revised and included in the proposed regulations.

41. The authority for regulations regarding operations of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, and 50 U. S. C. App. 1275).

VOLUME III—UNINSPECTED VESSEL REGULATIONS

42. The motorboat regulations in 46 CFR Parts 24 to 28, inclusive, will be revised to the extent that only those requirements applicable to uninspected vessels will be together. The proposed regulations applicable to passenger vessels, and cargo and miscellaneous vessels, have been placed in the regulations for "Passenger Vessels" and "Cargo and Miscellaneous Vessels", respectively. Appropriate cross references have been included in the text of the regulations which may be affected by regulations in other subchapters. It is proposed to cancel all the motorboat regulations in 46 CFR Parts 24 to 28, inclusive, applicable to uninspected vessels. These regulations will be in one subchapter entitled "Uninspected Vessels". In Items XVIII to XX, inclusive, are the specific requirements set forth by general subjects.

ITEM XVIII—GENERAL PROVISIONS

43. It is proposed to establish a new Part 24 entitled "General Provisions" applicable to uninspected vessels. This part will contain the regulations regarding authority and purpose, application of regulations to various types of vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and general marine engineering requirements for certain steam-propelled motorboats of over 40 feet in length. Many of the present practices which have not been previously written as regulations have been incorporated into the proposed regulations in order to provide a better arrangement and understanding of the requirements. The applicable requirements previously published in the motorboat regulations will be canceled (46 CFR Parts 24–28).

44. The authority for the regulations containing general provisions applicable to uninspected vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 166 (46 U. S. C. 526p).

ITEM XIX—REQUIREMENTS

45. It is proposed to establish a new Part 25 containing the requirements for uninspected vessels. This part will set forth requirements regarding the application of the regulations to vessels, navigation lights and shapes, whistles, fog horns, fog bells, life preservers and other livesaving equipment, fire extinguishing equipment, carburetor backfire flame arrestor, ventilation, and liquefied petroleum gas for cooking, heating, or lighting. Minor revisions in the text of present regulations and editorial changes in arrangement of material have been made so that the requirements will be easier to understand and to determine what is required. The present requirements in the motorboat regulations will be canceled (46 CFR Parts 24–28).

46. The authority for the regulations containing the requirements for uninspected vessels (motorboats) is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 166 (46 U. S. C. 526p).

ITEM XX—OPERATIONS

47. It is proposed to establish a new Part 26 containing the requirements affecting the operation of uninspected vessels. This part will set forth requirements regarding application of regulations, description of penalties, procedures for mitigation or remission of fines or penalties, boarding officers, exhi-

bition of motorboat operator's license, and licensed personnel in charge. The present requirements have been revised and current practices and procedures have been included in the proposed regulations so that the requirements will be easier to understand, and to determine what is required. The present applicable requirements in the motorboat regulations will be canceled (46 CFR Parts 24–28).

48. The authority for the regulations regarding the operation of uninspected vessels (motorboats) is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 166 (46 U. S. C. 526p).

VOLUME IV—ELECTRICAL ENGINEERING

49. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations regarding electrical apparatus and equipment so that these requirements will be in one subchapter, it is proposed to cancel the present applicable requirements regarding electrical apparatus and equipment in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements in the load line regulations, tank vessel regulations, and motorboat regulations. These regulations will be in one subchapter entitled "Electrical Engineering Regulations." In Items XXI to XXIV, inclusive, are the specific requirements set forth by general subject.

ITEM XXI—GENERAL PROVISIONS

50. It is proposed to establish a new Part 110 entitled "General Provisions" applicable to electrical apparatus and equipment when installed on various types of vessels. This part will contain the regulations regarding authority and purpose, application of regulations to various types of vessels, references to specifications, standards, and codes issued by private organizations which are acceptable to the Coast Guard, definitions of terms used, and equivalents permitted in lieu of present requirements. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. In addition, many of the present practices which have not been previously written as regulations have been incorporated into the proposed regulations in order to provide a better arrangement and understanding of the requirements. It is proposed to amend 46 CFR 30.01–5, regarding application of regulations for tank vessels, as well as to cancel 46 CFR 43.015 and 45.012, regarding equivalents, which are now published in the load line regulations. The applicable requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the motorboat regulations, will be canceled (46 CFR Parts 24–28, 59–65, 76–83, 94–102, 113–120).

51. The authority for the regulations regarding electrical engineering is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXII—ELECTRICAL SYSTEM, GENERAL REQUIREMENTS

52. It is proposed to establish a new Part 111, containing the applicable inspection requirements for electrical systems when used on board various types of vessels. This part will set forth requirements regarding the application of the regulations to vessels, general requirements for electrical systems, generators, storage batteries, transformers, motors, electrical couplings for propulsion, switchboards and propulsion controls, distribution panel boards, motor controllers (overcurrent protection and disconnecting means), distribution and circuit loads, overcurrent protection, wiring methods and materials, special requirements for certain locations and systems, and electrical equipment and installations on vessels contracted for prior to November 19, 1952. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to include regulations describing current practices not previously published. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the construction or material alteration of passenger vessels of 100 gross tons or over propelled by machinery, regarding electrical apparatus and equipment will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120, 144).

53. The authority for the regulations setting forth the general requirements for electrical systems is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416.) The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXIII—EMERGENCY LIGHTING AND POWER SYSTEM

54. It is proposed to establish a new Part 112, regarding emergency lighting and power systems when installed on various types of vessels. This part will set forth requirements regarding application of regulations, general requirements for emergency lighting and power systems, classification of emergency lighting and power systems, emergency loads, operation of emergency systems having both a temporary and final source of emergency lighting power, operation of emergency system having an automatic starting diesel-engine-driven emergency generator as the sole source of emergency lighting and power, operation of emergency system having a storage battery as the sole source of emergency lighting and power, operation of a manually-controlled emergency system having a storage battery or a diesel-engine-driven generator as the sole source of emergency lighting and power, installations requiring an alternating-current temporary source of supply, visible indicators and test switch, emergency diesel-engine-driven generator sets, storage battery installations, and emergency lighting and power systems for vessels contracted for prior to November 19, 1952. The revisions proposed contain requirements necessary to implement the 1948 Convention for Safety of Life at Sea. In addition, other regulations describing current practices have been incorporated into this part. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120).

55. The authority for regulations regarding emergency lighting and power systems when installed on various types of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXIV—COMMUNICATIONS AND ALARM SYSTEMS AND EQUIPMENT

56. It is proposed to establish a new Part 113, regarding communication and alarm systems and equipment when installed on various types of vessels. This part will set forth the application of the regulations, general provisions regarding communication and alarm systems and equipment, automatic fire detecting fire and alarm systems, manual fire alarm systems, sprinkler alarm systems, general alarm system, sound powered telephone and voice tube systems, engine order telegraph systems, rudder angle indicator system, refrigerated spaces alarm system, emergency loud speaker system, and navigation lights. The regulations necessary to implement the 1948 Convention for Safety of Life at Sea have been added. In order to have a better presentation of requirements, regulations are proposed which set forth present practices not previously published. Extensive revisions have been made in the present applicable regulations now contained in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers and, therefore, these regulations will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120).

57. The authority for regulations regarding communication and alarm systems and equipment when installed on various types of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375

and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

VOLUME V—MARINE ENGINEERING

58. The Marine Engineering Regulations and Material Specifications (CG–115) as contained in 46 CFR Parts 50 through 57 (Subchapter F—Marine Engineering) will be revised and the requirements will be placed in 46 CFR Parts 50 to 61, inclusive. Most of the proposed changes in the regulatory requirements were considered at the public hearings held September 18, 1951, and March 25, 1952. The proposed changes to be considered at this public hearing for the most part concern those items which are affected by the transfer of requirements in order to have a better arrangement of material. It has been determined that certain requirements now published in the tank vessel regulations and in general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements in the motorboat regulations, more appropriately belong in the marine engineering regulations, and, therefore, will be transferred to Subchapter F—Marine Engineering. It is also proposed to transfer certain specification requirements for equipment from the marine engineering regulations and the tank vessel regulations to Subchapter Q—Specifications of Chapter I of Title 46, Shipping, CFR. Certain changes in the regulations are also necessary to implement the 1948 Convention for Safety of Life at Sea and have been included in this agenda. In Items XXV to XXVIII, inclusive, are the specific proposed revisions set forth by general subject.

ITEM XXV—MARINE ENGINEERING; TANK VESSELS

59. It is proposed to cancel tank vessel regulations in 46 CFR Subpart 32.10 regarding cooking and heating equipment on board tank vessels. These requirements will be transferred to Subchapter F—Marine Engineering as a new subpart 55.16. It is proposed to revise 46 CFR Subpart 32.35, regarding main and auxiliary machinery, by consolidating the material and inserting appropriate cross references to the requirements which will be continued in Subchapter F—Marine Engineering. In view of the proposal to incorporate the design, construction, and testing requirements for safety relief valves on unfired pressure vessels containing liquified compressed gases in a new specification, designated as 46 CFR subpart 162.018 in Subchapter Q—Specifications, it is proposed to cancel the specification requirements for safety relief valves in 46 CFR 38.10–15 and insert appropriate cross references. The proposed specifications are set forth in Item XXIX of the agenda. As a result of a shore fire in a liquified petroleum gas installation, it is proposed to amend 46 CFR 38.10–10, regarding piping and fittings for unfired pressure vessels containing liquified compressed gases, to require flange and manhole cover gasket material to be fire resistant at a maximum of 1,000° F.

60. The authority for regulations regarding marine engineering on tank vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, and 50 U. S. C. App. 1275).

ITEM XXVI—MARINE ENGINEERING; CONSTRUCTION; LOW PRESSURE HEATING BOILERS

61. It is proposed to revise 46 CFR 57.10–45, regarding requests for increase in pressure, by requiring the piping system and machinery to meet the applicable requirements for the pressure increases requested and by transferring these requirements to 46 CFR 52.01–55.

62. In view of the proposal to establish a new specification for the design, construction, and testing of boiler safety valves, designated 46 CFR Subpart 162.001 in Subchapter Q—Specifications, it is proposed to delete the specification requirements from 46 CFR 52.65–5, 52.65–10, and 52.65–15, and to insert appropriate cross references.

63. In view of the proposal to incorporate the design, construction, and testing requirements for safety valves and relief valves in low pressure heating boilers in new specifications, designated 46 CFR Subparts 162.012 and 162.013 in Subchapter Q—Specifications, it is proposed to cancel the specification requirements from 46 CFR 53.03–60, 53.03–65, and 53.05–45 and to insert appropriate cross references. The proposed specifications are set forth in Item XXIX of the agenda.

64. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXVII—MARINE ENGINEERING; PIPING SYSTEMS; ARC WELDING, GAS WELDING, AND BRAZING

65. It is proposed to amend 46 CFR 55.07–25, regarding installation of piping systems, by permitting collision bulkheads on passenger vessels to be pierced below the margin line by more than one pipe when the forepeak is divided to hold two different liquids. This change is in agreement with the 1948 Convention for Safety of Life at Sea. Because of the establishment of separate subchapters containing inspection regulations for passenger vessels, cargo and miscellaneous vessels, and uninspected vessels, it is proposed to incorporate certain existing requirements presently in 46 CFR Part 27 of the motorboat regulations with similar requirements now in Subchapter F—Marine Engineering by revising 46 CFR 55.10–45 and 55.10–50 regarding gasoline fuel systems and diesel fuel systems. The present requirements regarding the use of liquefied petroleum gases for cooking and heating in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and tank vessel regulations (46 CFR subpart 32.10, 61.25, 77.24, 95.24, and 114.25), are being revised and transferred to 46 CFR subpart 55.16 in Subchapter F—Marine Engineering in order to have a better arrangement of material.

66. It is proposed to amend 46 CFR 56.01–25, 56.01–30, and 56.01–35 regarding arc welding in order to clarify the limitations applicable to Classes I, II, and III arc welded pressure vessels. The requirement that heating boilers be fabricated as a Class II pressure vessel has been eliminated since shop inspection is no longer mandatory for these units.

67. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXVIII—MARINE ENGINEERING; MAIN AND AUXILIARY MACHINERY; REPAIRS; INDEPENDENT FUEL TANKS; INSTALLATION TESTS, INSPECTIONS, MARKING, AND OFFICIAL FORMS

68. It is proposed to editorially revise the format of the Marine Engineering Regulations and Material Specifications (CG–115) in Subchapter F of Chapter I of 46 CFR, Shipping, by expanding the number of parts assigned to the requirements contained therein. This proposed recodification and redesignation of parts will make a better arrangement of requirements regarding main and auxiliary machinery, fuel tanks, installations, test, inspections, repairs, etc. The new parts to be published in Subchapter F—Marine Engineering have been redesignated as follows:

Part 57—Main and Auxiliary Machinery;

Part 58—Repairs to Boilers, unfired pressure vessels, and appurtenances;

Part 59—Independent internal combustion engine fuel tanks;

Part 61—Installation test, inspections, markings, and official forms.

69. The proposed new Part 57, regarding main and auxiliary machinery, will contain the design and construction requirements for such machinery. The requirements for steering gear and the requirements for refrigeration machinery will be in this part. The regulation to implement the 1948 Convention for Safety of Life at Sea regarding power for going astern has been included as 46 CFR 57.05–5. In establishing this new Part 57, it is proposed to revise 46 CFR 32.35–10 and 32.35–15 in the tank vessel regulations, 46 CFR 27.4–1 and 27.5–1 in the motorboat regulations, and 46 CFR 46.39 in load line regulations and transfer these requirements to 46 CFR Part 57.

70. The proposed new Part 59 will contain requirements regarding independent internal combustion engine fuel tanks and consists of revised requirements from 46 CFR subpart 55.16, regarding independent internal combustion engine fuel tanks, in the marine engineering regulations and 46 CFR 27.4–2 and 27.5–2 regarding fuel tanks and piping, in the motorboat regulations.

71. It is proposed to establish a new Part 61 regarding installation tests, inspections, markings, and official forms. The present regulations in Part 57 covering tests, inspections, markings, and official forms have been revised and transferred to Part 61. The revised regulations to implement the 1948 Convention for Safety of Life at Sea regarding inspection and survey have been added to the regulations. In this Part 61 only the requirements which have to be further revised have been set forth in the agenda. The other changes were considered at the public hearing held September 18, 1951.

72. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–413, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXIX—MARINE ENGINEERING; SPECIFICATIONS

73. It is proposed to add four new specifications regarding the design, construction, and testing requirements for power boiler safety valves, low-pressure heating boiler safety valves, low-pressure, hot water, heating boiler relief valves, and safety relief valves on unfired pressure vessels containing liquefied compressed gases, designated as 46 CFR subparts 162.001, 162.012, 162.013, and 162.018, respectively, in 46 CFR Part 162, Subchapter Q—Specifications. The proposed specifications set forth the requirements for the manufacturer to follow in manufacturing such equipment, and cover requirements for design, construction, testing, materials, workmanship, marking, and procedure for approval.

74. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

VOLUME VI—BULK GRAIN CARGO

75. These proposed regulations are intended to implement and complement the 1948 Convention for Safety of Life at Sea. At the present time proposed legislation has been suggested to Congress to extend the application of Chapter VI of the 1948 Convention for Safety of Life at Sea regarding carriage of grain to every vessel operating on coastwise navigable waters within the limits of the jurisdiction of the United States when such vessel is not on an international voyage and subject to the 1948 Convention. The regulations are proposed at this time in order to allow public consideration so that these requirements may be published and be in effect on and after November 19, 1952, when the 1948 Convention becomes effective.

ITEM XXX—REGULATIONS GOVERNING THE LOADING AND STOWAGE OF GRAIN ON VESSELS

76. It is proposed to add a new Subchapter M, entitled "Regulations Governing the Loading and Stowage of Grain on Board Vessels," to 46 CFR Chapter I, which will contain Part 144, regarding bulk grain cargoes. The purpose of these regulations is to promote safety in the handling, stowage and transportation of grain on board vessels on any navigable waters within the limits of the jurisdiction of the United States, including its territories, and possessions excepting only the Panama Canal Zone, and to make more effective the provisions of Chapter VI of the 1948 Convention for Safety of Life at Sea relative to the carriage of grain. The proposed regulations are the minimum requirements for the handling, stowage, and transportation of loose grain in bulk on board vessels. The regulations will apply to every passenger and every cargo vessel of 500 gross tons or over when carrying loose grain in bulk as cargo on an international voyage (excepting the Great Lakes), or on an intercoastal voyage, or a coastwise voyage. The proposed regulations in 46 CFR Part 144 will contain requirements regarding scope of regulations, application to vessels, definitions, required uprights, shores, stays, feeders, bins, bulkheads, security of hatches, equivalents, detailed loading and stowage regulations regarding bagged grain, holds or compartments partially filled with loose grain in bulk, holds or compartments entirely filled with loose grain in bulk, location of stowage for light grain and heavy grain in bulk and special regulations for vessels shifting ports.

77. The authority for regulations regarding the loading and stowage of grain on vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416).

VOLUME VII—SUBDIVISION LOAD LINES

78. Because of the many transfers of regulations from 46 CFR Part 46 of the Load Line Regulations (CG–176) to other subchapters, as well as revisions necessary to implement provisions of the 1948 Convention for Safety of Life at Sea which deal with subdivision of passenger vessels, it is proposed to revise 46 CFR Part 46 in the load line regulations in their entirety.

ITEM XXXI—PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS; LOAD LINE REGULATIONS

79. It is proposed to completely revise 46 CFR Part 46, regarding subdivision load lines for passenger vessels in the load line regulations, so that these regulations will state the load line requirements applicable before a passenger vessel will be marked and certificated as to subdivision load lines; assignment, marking, and recording of subdivision load lines; administration of subdivision load lines; and application of requirements to passenger vessels. The procedure for the determination of the subdivision load lines, as well as special construction features, have been transferred from this Part 46 to 46 CFR Subpart 72.01 and Parts 73 and 74 in the proposed subchapter for passenger vessels. The requirements regarding bilge and ballast systems, piping, inlets and discharges, ash chutes, astern power, and auxiliary steering have been transferred to the proposed revision of 46 CFR Subchapter F—Marine Engineering.

80. The authority for regulations regarding subdivision load lines is in sec. 2, 49 Stat. 888, as amended (46 U. S. C. 88a), and E. O. 7548, dated February 5, 1937 (2 F. R. 307).

VOLUME VIII—MANNING OF VESSELS

81. The style of the present vessel inspection regulations does not show readily the requirements regarding the manning of passenger vessels, cargo and miscellaneous vessels, and uninspected vessels. Therefore, it is proposed to transfer the manning requirements to a separate Subchapter F to be entitled "Manning" in 46 CFR Chapter I. The proposed regulations will require the Officer in Charge, Marine Inspection, to make the original determination regarding the minimum manning requirements considered necessary for the safe operation of each vessel subject to inspection by the Coast Guard. The proposed regulations also reflect present practices and procedures followed by the Coast Guard which have not been previously published in regulation form. Some of the navigation and inspection laws do not authorize the establishment of a minimum number of officers and members of the crew to be carried on board a vessel but state that the vessel shall not be operated or navigated unless certain manning requirements are met. In these cases it is the responsibility of the owner, master, or person in charge or command of the vessel to determine if the officers and crew carried meet the requirements of the applicable laws.

ITEM XXXII—MANNING OF VESSELS

82. It is proposed to establish a new Subchapter P, entitled "Manning," which will be added to Chapter I of Title 46 CFR and will consist of Part 157 regarding manning of vessels. It is proposed to review and transfer the applicable requirements from the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR 59–65, 76–83, 94–102, 113–120), as well as regulations regarding hours of labor on shipboard (46 CFR Part 131), language test for seamen (46 CFR Part 135), able seamen (46 CFR Part 140), and manning of inspected vessels (46 CFR Part 141), which are also published in the Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel (CG–191), to 46 CFR Part 157. The requirements regarding number of radio officers or radio telegraph operators required to

implement and complement the 1948 Convention for Safety of Life at Sea have been added.

83. The authority for regulations regarding manning of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4401, 4417a, 4426, 4427, 4438, 4438a, 4453, 4463, 4477, 4488, and 4551 (j), as amended, sec. 2, 37 Stat. 733, secs. 2 and 13, 38 Stat. 1164, 1169, sec. 1, 49 Stat. 1544, sec. 7, 53 Stat. 1147, secs. 7 and 17, 54 Stat. 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 364, 391a, 404, 405, 224, 224a, 435, 222, 471, 481, 643 (j), 223, 673, 672, 367, 248, 526f, 526p, 1333, and 50 U. S. C. App. 1275).

Dated: June 18, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-6859; Filed, June 23, 1952; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of §§ 240.16b-2 and 240.16b-5 (Rules X-16B-2 and X-16B-5) under the Securities Exchange Act of 1934.

Section 240.16b-2 (Rule X-16B-2) provides an exemption from section 16 (b) of the act for transactions of purchase and sale of securities in the course of a public distribution of an issue of securities on behalf of an issuer, or a person standing in a control relationship to the issuer, where a director or officer of the issuer is an underwriter or is connected with an underwriter of the issue. The purpose of the amendment is to broaden the exemption provided by the rule so as to make it available for transactions of purchase and sale of securities in the course of a distribution of a block of securities on behalf of a security holder not standing in a control relationship to the issuer.

Section 240.16b-5 (Rule X-16B-5) exempts transactions which consist of an exchange of one security for another by way of redemption where both the old and new securities are substantially and in practical effect equivalents, and no substantially different interest is acquired by the exchange. The amendment is not intended as a substantive change in the rule. It is designed merely to remove ambiguities in its language.

The text of the rules as proposed to be amended is as follows:

§ 240.16b-2 *Exemption from section 16 (b) of certain distributing transactions.* (a) Any transaction of purchase and sale of a security which is effected in the distribution of a substantial block of securities of the same class shall be exempt from the provisions of section 16 (b) of the act, to the extent specified in this section, as not comprehended within the purpose of said section, upon the following conditions:

(1) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(2) The security involved in the transaction is a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the issuer or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities; and

(3) Other persons not within the purview of section 16 (b) of the act are participating in the distribution of such block of securities on terms at least as favorable as those on which the person effecting the transaction is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16 (b) of the act by this section, however the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption which would otherwise be available under this section.

(b) The exemption of a transaction pursuant to this section with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this section.

§ 240.16b-5 *Exemption from section 16 (b) of certain transactions in which securities are received by redeeming other securities.* Any acquisition of an equity security (other than a convertible security or right to purchase a security) by a director or officer of the issuer of such security shall be exempt from the operation of section 16 (b) upon condition that:

(a) The equity security is acquired by way of redemption of another security of an issuer substantially all of whose assets other than cash (or government bonds) consist of securities of the issuer of the equity security so acquired, and which:

(1) Represented substantially and in practical effect a stated or readily ascertainable amount of such equity security,

(2) Had a value which was substantially determined by the value of such equity security, and

(3) Conferred upon the holder the right to receive such equity security without the payment of any consideration other than the security redeemed;

(b) No security of the same class as the security redeemed was acquired by the director or officer within six months prior to such redemption or is acquired within six months after such redemption;

(c) The issuer of the equity security acquired has recognized the applicability of paragraph (a) of this section by appropriate corporate action.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52-6833; Filed, June 23, 1952; 8:50 a. m.]

[17 CFR Part 240]

OWNERSHIP OF SECURITIES HELD IN TRUST

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule relating to the filing of reports required by section 16 (a) of the Securities Exchange Act with respect to the ownership of securities held in trusts, and to adopt a statement of the basis for and purpose of such a rule, substantially as follows:

Statement of basis for and purpose of proposed rule. Section 16 (a) requires beneficial owners of more than ten percent of any class of any equity security registered on a national securities exchange and officers and directors of the issuer of such a security to file reports with the exchange and with the Commission indicating the extent of their beneficial ownership of equity securities of the company and any changes in such ownership which occur. No definition of the words "beneficial owner" appears in the act. The legislative history of the section indicates that the Congress had in mind, specifically, that the Commission should not require "street name" holders of securities or trust companies with only the bare legal title to securities to file reports.

"Beneficial ownership" within the meaning of section 16 must be construed in context and is not necessarily identical with similar concepts in other contexts such as tax law, nor does it depend solely upon the form in which the trust is established. It is, to some extent, dependent upon an analysis of the precise relationship between the trustees and the beneficiaries. An officer who holds stock of his corporation in trust for his son usually has the same control over the securities and the same incentive to buy and sell the stock so that his son may realize profits as if he owned the securities outright. His interest is quite different from that of the mere record owner, which the legislative history indicates should be excluded from the requirements of the section. This is the basis for requiring, under the proposed rule, that section 16 (a) reports should be filed by any trustee who is an officer, director, or ten per cent stockholder where any beneficiary of the trust

is a member of his immediate family or where the trustee has a beneficial interest in the trust himself. Where such a trustee himself holds securities, his personal holdings should be combined with those of the trusts he administers in computing the ten per cent interest which would render him subject to the reporting requirements of section 16 (a).

Certain beneficiaries of trusts, too, will be required to file reports with respect to trust securities. If the beneficiary is an officer or director of a company with registered equity securities, he will be required to report all trust holdings and transactions in the equity securities of the company. Similarly, if the beneficiary holds over ten per cent of any class of registered equity securities, he will be required to report the trust holdings and transactions. In computing the ten per cent interest his personal holdings will be combined with the trust holdings only in those instances where his interest in the trust is a present right to receive income or principal or where he has acquired his interest by purchase.

Of course, if any single trust itself is a 10 per cent stockholder, reports should be filed on behalf of the trust. Holdings of trusts with similar terms and beneficiaries should be combined in computing the 10 per cent interest required to fall within the reporting requirements where either the settlor or the trustees are the same. To the extent reports are filed on behalf of the trust by the trustee in either his personal capacity or his trust capacity, the beneficiaries are relieved of the necessity for filing.

Persons who possess the power to revoke a trust for their own benefit, either alone or in conjunction with someone else, are also considered, in the proposed rule, the beneficial owners of the securities held by the trust.

The proposed rule would provide substantially as follows:

§ 240.16a–8 *Ownership of securities held in trust.* (a) The following persons shall be deemed to have such beneficial ownership of securities held by a trust as to require them to file the reports covering the securities held by the trust as are required by § 240.16a–1 when they are officers or directors of the issuers of the securities, or when the securities held by the trust, together with any other securities beneficially owned, exceed the ten per centum specified in section 16 (a):

(1) Persons who possess the power to revoke or modify the terms of a trust, either alone or in conjunction with someone else;

(2) Trustees of irrevocable trusts who have an interest, contingent or vested, in income or corpus of the trust;

(3) Trustees of irrevocable trusts who hold title to securities for the benefit of one or more members of their immediate families;

(b) Beneficiaries of a trust shall be deemed to have such beneficial ownership of securities held by the trust as to require them to file the reports covering the securities held by the trust which are required by § 240.16a–1 when:

(1) They are officers or directors of the issuers of the securities held by the trust or

(2) They own more than ten percent of any class of any registered equity security (other than an exempted security) of the issuer of equity securities held by the trust, the ten percent being computed for the purposes of this subparagraph as including (i) any securities of which they have a beneficial ownership as elsewhere defined in this part, (ii) any securities held in any trust in which they acquired an interest for a valuable consideration on their part, and (C) any securities held in any trust in which they have a present right to receive either income or principal.

(c) Not more than one report need be filed to report any holdings or with respect to any transaction in securities held by a trust, regardless of the number of officers, directors or 10 percent stockholders who are either trustees or beneficiaries of a trust, provided that the report filed shall disclose the names of all trustees and beneficiaries who are officers, directors or 10 percent stockholders.

(d) A trust or related group of trusts shall be deemed a "person" for the purpose of § 240.16a–1. In determining whether the trusts are beneficial owners, directly or indirectly, of more than 10 percent of any class of any equity security (other than an exempted security) which is listed on a national securities exchange, the holdings of two or more trusts shall be combined if they have substantially similar terms and beneficiaries and if either the settlor or the trustees are the same.

(e) As used in this section the "immediate family" of a trustee means:

(1) A son or daughter of the trustee, or a descendant of either;

(2) A step-son or step-daughter of the trustee;

(3) A brother, sister, step-brother, or step-sister of the trustee;

(4) The father or mother of the trustee, or an ancestor of either;

(5) A step-father or step-mother of the trustee;

(6) A son or daughter of a brother or sister of the trustee;

(7) A brother or sister of the father or mother of the trustee;

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the trustee.

For the purposes of determining whether any of the foregoing relations exist, a legally adopted child of a person shall be considered a child of such person by blood, and a brother or sister by the half blood shall be considered a "brother" or "sister."

(f) For the purpose of this section a trust shall be defined to exclude registered investment companies and business trusts having over twenty-five beneficiaries.

(g) Nothing in this section shall be deemed to impose any duties or liabilities with respect to any transactions or holdings prior to its effective date which would not otherwise be imposed by the act.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52–6834; Filed, June 23, 1952; 8:50 a. m.]

[17 CFR Part 240]

REPORTS OF DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (b), and 23 (a) thereof, has under consideration proposals for the amendment of Rules X-3B–2, X-16A–1, X-16A–3, and X-16A–4, relating to section 16 of the Securities Exchange Act of 1934.

Section 240.3b–2 (Rule X-3B–2) at present defines an "officer" to mean a "president, vice president, treasurer, secretary, comptroller, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers." In the case of Colby v. Klune, 178 F. 2d 872, the Court of Appeals for the Second Circuit indicated that the definition should also include other corporate employees performing important executive duties of such character that they would be likely, in discharging their duties, to obtain confidential information about their company's affairs. The proposed rule would adopt the views expressed by the Court.

Section 240.16a–1 (Rule X-16A–1), at present, sets forth the persons who must report their holdings and the changes in their holdings of securities pursuant to section 16 (a). It designates the equity securities with respect to which reports are required and the type of information which should be included in the reports. However, no provision of the rule, at present, deals with options, puts, calls, or straddles.

The proposed rule seeks to remedy this omission by requiring holders of options, puts, calls, straddles and other such privileges to file the reports required by section 16 (a). It has been suggested that complete disclosure of beneficial ownership and changes in such ownership of equity securities requires a disclosure of holdings and changes in the holdings of the options, puts, calls, and straddles which relate to those securities.

Section 240.16a–3 (Rule X-16A–3), at present, permits a person who is a member of a partnership which owns equity securities that are subject to the reporting requirements of section 16 (a) to either report the entire amount of such equity securities owned by the partner-

ship or to report only that amount which represents his proportionate interest in the partnership. The Court of Appeals for the Second Circuit, in Rattner v. Lehman, 193 F. 2d 564, has indicated that either the partnership or one of its members might, under some circumstances, be liable under section 16 (b) of the Securities Exchange Act for all the profits realized by the partnership from short-swing trading in the securities of a company in which one of the partners is an officer, director or 10 per cent stockholder. It has also been suggested that only by reporting all holdings and all changes in the beneficial ownership of equity securities held by a partnership in which one of the partners is an officer, director, or ten per cent stockholder of the issuer of the securities can the full extent of the beneficial interest in the securities held by the partner be disclosed. To accomplish this purpose, it is proposed that Rule X-16A-3 be amended to require any person who is a member of a partnership which owns securities of an issuer of which he is an officer, director, or ten per cent stockholder to report the entire amount of such securities.

Section 240.16a-4 (Rule X-16A-4), at present, exempts those securities from the duties and liabilities imposed by sections 16 (a) and 16 (b) which are held (1) in the estate of a deceased person, (2) by representatives of an incompetent, (3) by persons such as receivers and trustees in bankruptcy who are authorized by law to administer the estate or assets of other persons, or (4) by the issuer. It has been proposed that these exemptions be withdrawn.

Estates of deceased persons, representatives of incompetents, and other persons authorized by law to administer the estate or assets of others, it is suggested, should be subject to the same requirements as other persons who obtain confidential information by reason of their relationship to an issuer of securities. Issuers, it is suggested, do not need the exemption from section 16 (b) contained in the present rule because a suit under that section would be fruitless for it would result in a recovery by the issuer in a suit against itself. Insofar as issuers beneficially owning over 10 percent of any class of their own registered equity securities are concerned, the withdrawal of the exemption would require them to file the reports required by section 16 (a) with regard to these holdings.

The texts of the proposed rules are as follows:

§ 240.3b-2 *Definition of "officer."* The term "officer" means a president, vice president, treasurer, secretary, comptroller, and any other corporate employee performing executive duties of such character that he would be likely, in discharging his duties, to obtain confidential information about his company's affairs, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by any of the foregoing persons.

§ 240.16a-1 *Reports under section 16 (a).* (a) * * *

(h) For the purposes of this section the acquisition or disposition of an option, a put, a call, a straddle, or any other privilege of buying a security from or selling a security to another without being bound to do so shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a report reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the reports required upon the exercise of such option, put, call, straddle or other privilege of buying or selling a security without being bound to do so.

§ 240.16a-3 *Manner of reporting holdings and changes in ownership under Rule X-16A-1.* (a) * * *

(b) A partner who is required under § 240.16a-1 to report in respect to any equity security owned by the partnership shall include in his report the entire amount of such equity security owned by the partnership but may state that he has an interest in such equity security by reason of his membership in the partnership, without disclosing the extent of such interest.

All interested persons are invited to submit data, views and comments on the above proposal in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52-6335; Filed, June 23, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 76th Supp.]

GENERAL INSURANCE CORP. OF FORT WORTH, TEX.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JUNE 17, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $220,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting, Secretary of the Treasury.

[F. R. Doc. 52-6358; Filed, June 23, 1952; 8:57 a. m.]

Bureau of Customs

[414.21]

SPENT BONE BLACK

TARIFF CLASSIFICATION

JUNE 17, 1952.

It appears probable that a correct interpretation of paragraph 1555, Tariff Act of 1930, requires that spent bone black (referred to on some invoices as spent animal charcoal or spent bone char) be classified under paragraph 1555 as waste, not specially provided for, dutiable at the modified rate of 4 percent ad valorem rather than free of duty under paragraph 1685.

Information received by the Bureau indicates that this merchandise is now chiefly used as an ingredient in the manufacture of animal and poultry feeds. Accordingly, pursuant to § 16.10a (d), Customs Regulations of 1943, notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1685 as a substance chiefly used for fertilizer or as an ingredient in the manufacture of fertilizers is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-6328; Filed, June 23, 1952; 8:48 a. m.]

[471.43]

NETS AND NETTINGS MADE ON KNITTING MACHINE

TARIFF CLASSIFICATION

JUNE 17, 1952.

The Bureau in its letter to the collector of customs at New York, New York, dated June 17, 1952, ruled that nets and nettings made on a knitting machine are classifiable according to the component material of chief value and not as fabrics or articles made on a lace or net machine under paragraph 1529 (a).

In any case where this ruling results in the assessment of duty at a higher rate than has heretofore been assessed

under a uniform practice, it shall be applied only to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption on or after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-6827; Filed, June 23, 1952; 8:48 a. m.]

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 910]

2⅜ PERCENT TREASURY BONDS OF 1958

OFFERING OF BONDS

JUNE 16, 1952.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2⅜ percent Treasury Bonds of 1958. The amount of the offering is $3,500,000,000, or thereabouts.

2. Subscriptions from others than commercial banks for their own account will not be restricted in amount.

3. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding the combined capital, surplus, and undivided profits, or 5 percent of the total deposits, as of December 31, 1951, whichever is greater, of the subscribing bank. Commercial banks are defined for this purpose as banks accepting demand deposits.

II. *Description of bonds.* 1. The bonds will be dated July 1, 1952, and will bear interest from that date at the rate of 2⅜ percent per annum, payable on a semiannual basis on December 15, 1952, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in section I of this circular, and within the limitation of the amount of the offering, subscriptions for amounts up to and including $100,000 from commercial banks, and subscriptions in any amounts from all other subscribers, will be allotted in full and subscriptions for amounts over $100,000 from commercial banks will be allotted on a percentage basis, to be publicly announced when allotments are made. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before July 1, 1952, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-6856; Filed, June 23, 1952; 8:56 a. m.]

[1952 Dept. Circ. 911]

1⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1953

OFFERING OF CERTIFICATES

JUNE 16, 1952.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅞ percent Treasury Certificates of Indebtedness of Series B-1953, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series B-1952, maturing July 1, 1952.

II. *Description of certificates.* 1. The certificates will be dated July 1, 1952, and will bear interest from that date at the rate of 1⅞ percent per annum, payable with the principal at maturity on June 1, 1953. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these re-

spects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before July 1, 1952, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series B–1952, maturing July 1, 1952, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–6857; Filed, June 23, 195 ; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE OF HEARING IN CONNECTION WITH PROPOSED WITHDRAWAL FOR THE DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE

Notice is hereby given that a public hearing will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on July 1, 1952, at the American Legion Log Cabin located at the corner of G Street and Fifth Avenue, Anchorage, Alaska, with respect to the request of the Department of the Army for the withdrawal of approximately 86,000 acres of land in the Susitna Flats area, across Knik Arm and Cook Inlet from Anchorage, Alaska, for use as an antiaircraft artillery range. Maps of the proposed area will be displayed at the hearing.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before 10:00 o'clock a. m. July 1, 1952. Those desiring to submit written statements should submit them as soon as possible before the hearing.

R. D. SEARLES,
Acting, Secretary of the Interior.

JUNE 17, 1952.

[F. R. Doc. 52–6323; Filed, June 23, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

TOBE DEUTSCHMANN CORP. ET AL.

SUSPENSION ORDER

Hearings having been held in the above-entitled matter on the 28th and 29th days of April 1952, the 12th day of May 1952, and the 14th day of June 1952, before Ernest J. Brown, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority's General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to National Production Authority's General Administrative Order 16–06 (16 F. R. 8799); and

The respondents, Tobe Deutschmann Corporation, Tobe Deutschmann, and Henry P. Shopneck having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and each of them being represented by Leon J. Kowal, an Attorney at Law, of 11 Beacon Street, Boston, Massachusetts, and Thomas J. Dodd, an Attorney at Law, of Hartford, Connecticut; and

A motion for leave to amend the statement of charges having been duly filed and allowed on April 28, 1952; and

The respondents having filed answers herein denying the charges, testimony having been taken, and stipulations with respect to facts having been filed in lieu of the presentation of additional evidence in support of and in opposition to the statement of charges as amended, it is hereby determined:

Findings of fact. 1. Tobe Deutschmann Corporation is a corporation organized and existing under the laws of the State of Delaware. It has a usual place of business in Norwood, Massachusetts. It is engaged in the manufacture of electronic equipment. It employs between 750 and 800 persons.

2. Tobe Deutschmann is president of the respondent corporation, and is the owner of approximately sixty-one percent of its capital stock. He is the active executive head of the business.

3. Henry P. Shopneck is purchasing agent of the corporation. He is not an officer or member of the Board of Directors, and is not an owner of stock in the corporation. On October 5, 1950, he received written authority from the corporation to extend DO ratings on behalf of the corporation in connection with the purchase of materials in its behalf. Mr. Shopneck acted with full authorization on behalf of the corporation with respect to all of the matters and transactions hereinafter referred to in which he participated.

4. Between October 14, 1950, and February 19, 1951, the corporate respondent, acting by and through the respondent Shopneck, placed DO rated orders for various gages and sizes of sheet steel in a total quantity of 337,449 pounds. With respect to 25,582 pounds (Charge 1) and 20,100 pounds (Charge 4) there was no right to apply a DO rating. With respect to the remainder of said total quantity, the corporate respondent was authorized to apply DO ratings to the extent, but only to the extent, of its material requirements for the fulfillment of contracts carrying DO ratings. The corporate respondent used DO ratings to purchase quantities substantially in excess of its said requirements, the amount of the excess not being subject to precise determination. The respondents thereby violated section 11.4 (b) and 11.8 (f) of National Production Authority Regulation 2, dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), and January 11, 1951 (16 F. R. 352).

5. Between April 7, 1951, and May 28, 1951, the corporate respondent herein, acting by and through the individual respondents, sold 232,063 pounds of sheet steel obtained by the application of DO ratings. Some portion of the total quantity sold was damaged, under-size, or otherwise unsuitable for the purposes for which it had been obtained. It is impossible to determine precisely what portion thereof was suitable for the purpose for which it was obtained with the use of DO ratings. A substantial portion of the steel sold was sold in violation of section 17 (a) of National Production Authority Regulation 2, dated October 3, 1950 (15 F. R. 6632), as amended February 27, 1951 (16 F. R. 1953).

Conclusion. During the period beginning October 14, 1950, and ending May 28, 1951, the respondents herein, Tobe Deutschmann Corporation, Tobe Deutschmann, and Henry P. Shopneck, violated the provisions of National Production Authority regulations, orders, and directives as herein above cited by purchasing with the use of DO ratings, substantial quantities of sheet steel in excess of requirements, and by selling substantial quantities of sheet steel obtained with the use of DO ratings in violation of such National Production Authority regulations, orders, and directives.

In order to correct the unauthorized purchases and sales of steel occasioned by the violations found herein, and in order to prevent future violations of National Production Authority regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That the respondents, Tobe Deutschmann Corporation, its successors and assigns, Tobe Deutschmann, and Henry P. Shopneck be, and they hereby are, severally prohibited from acquiring, using, and disposing of any controlled materials or materials under control of National Production Authority for a period of fourteen days commencing the 16th day of June, 1952.

2. That all allocations and allotments of carbon steel be withdrawn and withheld from Tobe Deutschmann Corporation, its successors and assigns, Tobe Deutschmann, and Henry P. Shopneck for a period of one year commencing June 16, 1952, without prejudice, however, to the obtaining by the said Tobe Deutschmann Corporation of an authorized production schedule with respect to products it has heretofore manufactured or may hereafter manufacture.

Issued this 12th day of June, 1952.

NATIONAL PRODUCTION AUTHORITY,
By ERNEST J. BROWN,
Hearing Commissioner.

[F. R. Doc. 52-6987; Filed, June 23, 1952; 11:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (sport pants and shirts).

Michael Berkowitz Co., Inc., Frostburg, Md., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (men's pajamas).

Best Maid Apparel Co., 527 Main Street, Moosic, Pa., effective 6-4-52 to 6-3-53; five learners (children's dresses).

Blue Jeans Corps., Whiteville, N. C., effective 6-6-52 to 12-5-52; 40 learners for expansion purposes (work clothing).

Carter & Churchill Co., Lebanon, N. H., effective 6-4-52 to 6-3-53; five learners (ski jackets, ski pants, snowsuits, etc.).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 6-4-52 to 6-3-53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

Foster Bros. Manufacturing Co., Inc., Luyerne, Ala., effective 6-9-52 to 6-8-53; 10 percent of the productive factory force (men's dress slacks).

Hartsville Manufacturing Co., Hartsville, S. C., effective 6-5-52 to 12-4-52; 90 learners for expansion purposes (cotton dresses).

The Hebron Manufacturing Co., Inc., Sharptown, Md., effective 6-2-52 to 12-1-52; 10 learners for expansion purposes (children's sportswear and dresses).

The Hebron Manufacturing Co., Inc., Sharptown, Md., effective 6-2-52 to 6-1-53; 10 learners (children's sportswear and dresses).

Hickory Overall Co., 39 Second Street Place SW., Hickory N. C., effective 6-6-52 to 6-5-53; 10 learners (overalls, dungarees, work shirts and pants).

Karen Sportswear, R. D. No. 2, Shickshinny, Pa., effective 6-7-52 to 3-31-53; five learners (dresses) (supplemental certificate).

Kaska Manufacturing Co., Schuylkill County, Kaska, Pa., effective 6-7-52 to 6-6-53; 10 learners (dresses).

Mauch Chunk Kiddy Kloes, 437 South Street, Mauch Chunk, Pa., effective 6-5-52 to 6-4-53; five learners (children's dresses).

The Meadow Avenue Shirt Co., Meadow Avenue, Cambridge, Md., effective 6-9-52 to 6-8-53; 10 learners (sport shirts and pajamas).

Northampton Pajama Manufacturing Corp., 1216 Main Street, Northampton, Pa., effective 6-4-52 to 3-15-53; 10 learners (pajamas) (supplemental certificate).

Portland Manufacturing Corp., 155 Brackett Street, Portland, Maine, effective 6-6-52 to 12-5-52; 60 learners for expansion purposes, learners not to be engaged at subminimum wage rates in the manufacture of skirts (children's dresses and blouses).

Reliance Manufacturing Co., "Dixie" Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 6-5-52 to 12-4-52; 75 learners for expansion purposes (men's work shirts and pants).

Wagener Manufacturing Co., Inc., Wagener, S. C., effective 6-2-52 to 12-1-52; 60 learners for expansion purposes (sport shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Strutwear, Inc., Clarksdale, Miss., effective 6-6-52 to 2-5-53; 10 learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Short Manufacturing Co., 735 O Street, Lincoln 8, Nebr., effective 6-6-52 to 12-5-52; 10 learners for expansion purposes (men's woven shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 6-6-52 to 12-5-52; 25 additional learners for expansion purposes.

Newtown Shoe Co., 697-699 Hazle Street, Wilkes-Barre, Pa., effective 6-6-52 to 6-5-53; eight learners.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 6-2-52 to 8-12-52; 20 learners; machine cutting and mallet cutting; 200 hours at 39 cents per hour (leather gloves).

Beatrice Needle Craft, Inc., Mayaguez, P. R., effective 6-2-52 to 12-1-52; 50 learners; machine sewing operators; 160 hours at 25 cents per hour, 160 hours at 27 cents per hour, 80 hours at 29 cents per hour (brassieres).

Elgee, Inc., Caguas, P. R., effective 6-5-52 to 12-4-52; 10 learners; stone setting on plastic combs and flower setting and painting on hair barrettes; 160 hours at 34 cents per hour (flower setting and painting on hair barrettes and stone setting on plastic combs).

Hickok of Puerto Rico, Inc., Toa Baja, P. R., effective 6-2-52 to 12-1-52; 32 learners; machine and bench operations; 200 hours at 27 cents per hour (men's belts).

Rebor of Puerto Rico, Inc., Santurce, P. R., effective 6-2-52 to 12-1-52; 18 learners; plier workers, bench milling machine, forming machine and foot pressers; 160 hours at 34 cents per hour (small metal stamping).

Riomode Hosiery Mills, Inc., Caguas, P. R., effective 5-2-52 to 11-1-52; 17 learners; knitters, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; loopers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; seamers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; examiners, 80 hours at 25 cents per hour, 80 hours at 30 cents per hour, 80 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 11th day of June 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-6824; Filed, June 23, 1952; 8:47 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations, Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14).

are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

Angelica Uniform Co., Summersville, Mo., effective 6-12-52 to 6-11-53; 10 learners (women's washable service apparel).

Angelica Uniform Co., Summersville, Mo., effective 6-12-52 to 12-11-52; five learners for expansion purposes (women's washable service apparel).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss., effective 6-20-52 to 6-19-53; 10 percent of the productive factory force (work shirts).

Blue Bell, Inc., Booneville, Miss., effective 6-15-52 to 6-14-53; 10 percent of the productive factory force (work shirts).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind., effective 6-11-52 to 12-10-52; 16 learners for expansion purposes; learners may not be employed as machine operators at subminimum wage rates (ladies' sportswear and women's apparel).

Clyde Shirt Co., Ninth and Main Streets, Northampton, Pa., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (men's dress shirts).

Cornelia Garment Co., Demorest, Ga., effective 6-16-52 to 12-15-52; 15 learners for expansion purposes (jackets).

Devil-Dog Manufacturing Co., Inc., Wendell, N. C., effective 6-13-52 to 12-12-52; 50 learners for expansion purposes (boys' and girls' dungarees).

Dido Dress, 75 Kneeland Street, Boston, Mass., effective 6-16-52 to 6-15-53; six learners (dresses).

Elder Manufacturing Co., Dexter, Mo., effective 6-11-52 to 6-10-53; 10 percent of the productive factory force (dress shirts).

Four's Co., Inc., East Brown Street, Blairville, Pa., effective 6-12-52 to 12-11-52; 10 learners for expansion purposes (children's dresses).

Gateway Manufacturing Co., Masontown, Pa., effective 6-13-52 to 12-12-52; 10 learners for expansion purposes. This certificate does not authorize the employment of learners at subminimum wage rates engaged in the manufacture of abdominal packs (men's sport shirts).

Hardwick Mills, Cleveland, Tenn., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (single pants).

Main Dress Co., 348 Main Street, Luzerne, Pa., effective 6-16-52 to 6-15-53; five learners (dresses.)

Phillips-Lester Manufacturing Co., Inc., 2300 First Avenue North, Birmingham, Ala., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (pants, overalls, coveralls and work shirts).

Puritan Foundations, Inc., Portage, Pa., effective 6-13-52 to 6-12-53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

S and L Sportswear Co., York and Walnut Streets, Pottstown, Pa., effective 6-16-52 to 6-15-53; five learners (ladies' dresses).

Sherrod Shirt Co., 1632-34 North Main Street, High Point, N. C., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (work shirts and pajamas).

Southland Manufacturing Co., Inc., Benson, N. C., effective 6-11-52 to 12-10-52; 30 learners for expansion purposes (sport shirts).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (ladies' underwear).

I. Taitel & Son, 111 West Cherry Street, Scottsburg, Ind., effective 6-16-52 to 6-15-53; 10 learners (jackets).

Thomson Co., Millen, Ga., effective 6-13-52 to 12-12-52; 30 learners for expansion purposes (trousers).

W & L Manufacturing Co., 151-157 East Phillips Street, Coaldale, Pa., effective 6-11-52 to 6-10-53; six learners (children's dresses).

Womble-Campbell Manufacturing Co., 117 West Second Street, Hereford, Tex., effective 6-12-52 to 12-11-52; seven learners for expansion purposes (women's and children's cotton and rayon lingerie).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Budd Cigar Co., Quincy, Fla., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force engaged in the learner occupations; cigar machine operating, 320 hours; packing cigars (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Brookville Glove Co., Indiana, Pa., effective 6-11-52 to 6-10-53; 10 learners (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

W. B. Davis Hosiery Mill, Inc., Fort Payne, Ala., effective 6-11-52 to 6-10-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 6-13-52 to 6-12-53; five percent of the productive factory force (men's and boys' athletic underwear).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Coral Textiles, Inc., Juana Diaz, P. R., effective 6-10-52 to 12-9-52; 40 learners; knitters, 480 hours; seamers, 480 hours; examiners, 240 hours; menders, 240 hours; each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 16th day of June 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-6825; Filed, June 23, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 63]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CEILING PRICE REGULATION 7

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

2. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6983; Filed, June 23, 1952; 4:00 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 13, 1952.

REGION V

Jacksonville Order G1-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:41 a. m.

Jacksonville Order G1-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G2-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:35 a. m.

Jacksonville Order G2-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G3-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:35 a. m.

Jacksonville Order G3-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G3A-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:36 a. m.

Jacksonville Order G3A-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:41 a. m.

Jacksonville Order G4-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:36 a. m.

Jacksonville Order G4-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:42 a. m.

Jacksonville Order G4A–10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:37 a. m.

Jacksonville Order G4A–10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:42 a. m.

REGION VIII

Fargo Order G1–10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:38 a. m.

Fargo Order G2–10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:38 a. m.

Fargo Order G4–10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:39 a. m.

REGION XII

Fresno Order G1–10, Amendment 1, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:39 a. m.

Fresno Order G2–10, Amendment 2, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:40 a. m.

Fresno Order G4–10, Amendment 1, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:40 a. m.

Fresno Order G4A–10, Amendment 2, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:41 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. P. Doc. 52–6903; Filed, June 20, 1952; 11:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 26, Amdt. 1]

BULOVA WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 26 under Section 43 of Ceiling Price Regulation 7 established ceiling prices at retail of watches manufactured by Bulova Watch Company having the brand name "Bulova".

Thereafter, the Bulova Watch Company filed an application to amend the special order to include within the coverage of the special order watches having the brand name "Westfield". It appears that the applicant may legally sell the items at the selling prices listed in its application and that the ceiling prices at retail requested are no higher than the level of ceiling prices under Ceiling Price Regulation 7. Therefore, this amendment adds watches having the brand name "Westfield" to the coverage of the special order.

Amendatory provisions. Special Order 26 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Following paragraph 1, insert the following subparagraph 1 (a):

1 (a). The ceiling prices for sales by any seller at retail of watches sold at wholesale by the Bulova Watch Company having the brand name "Westfield" shall be the proposed retail ceiling prices listed by the Bulova Watch Company in its application dated February 19, 1952, (as supplemented and amended by its application of April 2, 1952) and filed with the Office of Price Stabilization, Washington 25, D. C. The prices listed in the wholesalers application dated February 19, 1952 shall become effective on receipt of a copy of the notice for such articles but in no event later than June 24, 1952.

2. In paragraph 2, delete the words "paragraph 1" and substitute therefore, the words "paragraphs 1 and 1 (a)"

3. In paragraph 2 following the word "manufacturer" insert the words "or wholesaler."

4. In paragraph 4 following the word "manufacturer", wherever it appears, insert the words "or wholesaler".

Effective date. This amendment shall become effective June 19, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 19, 1952.

[F. R. Doc. 52–6851; Filed, June 19, 1952; 12:00 p.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1116, G–1152, G–1240, G–1317, G–1344, G–1379, G–1415, G–1417, G–1457, G–1509, G–1616, G–1625, G–1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

JUNE 17, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1116, G–1240, G–1317, G–1344 and G–1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G–1152; Southeastern Michigan Gas Company, Docket No. G–1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G–1379; Northern Indiana Fuel and Light Company, Docket No. G–1457; Missouri Central Natural Gas Company, Docket No. G–1509; The Central West Utility Company, Docket No. G–1616; Michigan Gas Utilities Company, Docket No. G–1625; City of Auburn, Illinois, Docket No. G–1659.

By order issued April 9, 1952, the Commission postponed the resumption of the hearing in the above-docketed proceedings from April 22, 1952 to June 23, 1952.

The Commission finds: Good cause exists and it would be in the public interest to further postpone the resumption of the hearing in the proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to be resumed June 23, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence on June 30, 1952, at 10:00 a. m., e. d. s. t., at the same place.

Date of issuance: June 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–6844; Filed, June 23, 1952; 8:53 a. m.]

[Docket Nos. G–1810, G–1938, G–1939]

TEXAS-OHIO GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 17, 1952.

On June 6, 1952, oral argument was held before the Commission on the motion filed by Staff Counsel to dismiss the application for a certificate of public convenience and necessity, filed by Texas-Ohio Gas Company (Applicant) at Docket No. G–1810.

Applicant had not concluded the presentation of all of its supporting evidence at the time of the filing of the motion to dismiss.

On April 14, 1952, one day prior to the opening of the hearing at Docket No. G–1810, Applicant filed with the Commission an application at Docket No. G–1938, pursuant to section 3 of the Natural Gas Act, for an order authorizing it to import natural gas from the Republic of Mexico, to supply up to 200,000 Mcf of gas per day for the project at Docket No. G–1810.

On said April 14, 1952, Applicant filed an application for a Presidential Permit, pursuant to Executive Order No. 8202, to construct, maintain, and operate facilities at the borders of the United States for the importation of natural gas from the Republic of Mexico, all as hereinbefore referred to.

Public notice of the filing of the applications at Docket Nos. G–1938 and G–1939 has been given, including publication in the FEDERAL REGISTER on April 30, 1952 (17 F. R. 3836).

Applicant has requested that the applications at Docket Nos. G–1938 and G–1939 be consolidated for purpose of hearing with the proceeding at Docket No. G–1810.

Although Executive Order No. 8202 does not require the Commission to hold a hearing or provide opportunity therefor, it appears that in the circumstances of this matter, it would be in the public interest to hold a hearing with respect to the application filed at Docket No. G–1939 jointly with the hearing on the proceedings at Docket Nos. G–1810 and G–1938.

The Commission finds:

(1) It would be in the public interest to defer ruling on Staff's motion to dismiss the proceeding at Docket No. G–1810 until the conclusion of the introduction of all Applicant's supporting evidence, and that the hearing should be reconvened.

(2) Good cause exists to consolidate the proceedings at Docket Nos. G–1938 and G–1939 for purpose of hearing with the proceeding at Docket No. G–1810.

The Commission orders:

(A) Decision on Staff's motion to dismiss the proceeding at Docket No. G–1810, be and the same is hereby reserved, pending the conclusion of Applicant's presentation of all of the supporting evidence which it is then prepared to offer.

(B) The proceedings at Docket Nos. G–1938 and G–1939 be and the same are hereby consolidated for purpose of hearing with the proceeding at Docket No. G–1810.

(C) The public hearing in these proceedings shall reconvene on July 7, 1952,

at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(D) After Applicant has presented all of its evidence in support of the applications at Docket Nos. G–1810, G–1938, and G–1939, other parties, including Staff Counsel, may conduct so much of their cross-examination as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing pending further order of the Commission.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6845; Filed, June 23, 1952; 8:54 a. m.]

[Docket No. G–1974]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 18, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address Oklahoma City, Oklahoma, filed on June 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for sale to Forbes Air Force Base near Topeka, Kansas, and for such purpose to construct and operate approximately 57,000 feet of 8-inch pipeline connecting said Forbes Air Force Base with a point on Applicant's 16-inch pipeline in Shawnee County, Kansas.

The estimated cost of the proposed facilities is $152,400, which cost is proposed to be paid by the United States Air Force.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6843; Filed, June 23, 1952; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5571]

WALTER J. BLACK, INC.

ORDER APPOINTING HEARING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

In the matter of Walter J. Black, Inc., a corporation, trading as The Classics Club and Detective Book Club.

This matter being at issue and ready for the taking of testimony and the reception of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That James A Purcell, a Hearing Examiner of this Commission, be, and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the reception of evidence begin on Wednesday, July 23, 1952, at ten o'clock in the forenoon of that day e. d. s. t., in Room 332, Federal Trade Commission Building, Washington, D. C.

Issued: June 16, 1952.

By the Commission:

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52–6853; Filed, June 23, 1952; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27169]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND NEW HAVEN, CONN.

APPLICATION FOR RELIEF

JUNE 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the Bay State Motor Express Co.

Commodities involved: All commodities.

Between: Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–6837; Filed, June 23, 1952; 8:52 a. m.]

[4th Sec. Application 27170]

BARITE FROM POINTS IN ARKANSAS AND MISSOURI TO HEBER, UTAH

APPLICATION FOR RELIEF

JUNE 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3973.

Commodities involved: Barite (barytes), ground, not precipitated or refined by chemical process, carloads.

From: Butterfield and Malvern, Ark., Fountain Farm and Mineral Point, Mo.

To: Heber, Utah.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3973, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–6838; Filed, June 23, 1952; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 48, No. 217–A]

WARNER ROBINS, GA., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Warner Robins, Georgia, area. (The area consists of all of Houston County, Georgia.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of

July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc., 52-6904; Filed, June 20, 1952; 12:36 p. m.]

[RC 48, No. 158]

LAKE CHARLES, LA., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Lake Charles, Louisiana, area. (The area consists of all of Calcasieu Parish which includes the City of Lake Charles and Wards 1 and 6 in Beauregard Parish, all in Louisiana.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6905; Filed, June 20, 1952; 12:36 p. m.]

[RC 49, No. 61]

CAMP ATTERBURY, IND., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Camp Atterbury, Indiana, area. (The area consists of Barthplomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana.)

This supersedes certification under Docket No. 61, dated November 19, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6906; Filed, June 20, 1952; 12:36 p. m.]

[CDHA 57]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (P. L. 139, 82D CONGRESS)

JUNE 20, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Camp Atterbury, Indiana, area. (The area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana.)

This supersedes certification under Docket No. 61, dated November 19, 1951.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6907; Filed, June 20, 1952; 12:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-12, 59-3, 70-1806]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING, NOTICE OF AND ORDER FOR HEARING, ORDER OF CONSOLIDATON AND REINSTITUTION OF PROCEEDINGS

JUNE 18, 1952.

Notice is hereby given that on June 13, 1952, Electric Bond and Share Company ("Bond and Share"), a registered holding company, filed an application with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requesting approval of a plan dated June 12, 1952. The said application and plan set forth a proposed program for Bond and Share which is summarized below and which includes a request for exemption from the provisions of the act pursuant to section 3 (a) thereof.

Bond and Share's present capitalization consists solely of 5,250,358 shares of common stock. Its assets consist of cash and cash items in the amount of approximately $16,000,000, and common stocks of the following companies:

	Shares held	
	Number	Percent of total
American Power & Light Co.	183,050	7.8
The Southern Co.[1]	381,067	2.3
United Gas Corp.	3,165,781	27.0
American & Foreign Power Co., Inc.	3,902,956	54.0
Ebasco Services, Inc.	10,000	100.0

[1] Bond and Share has declared a dividend in the aggregate amount of 210,014 shares of the common stock of The Southern Co. payable on June 23, 1952, to stockholders of record on May 22, 1952.

Bond and Share is under commitment to dispose of its holdings of the stock of American Power & Light Company ("American"). The Commission has approved a plan for the distribution by American of its holdings of the stock of its subsidiary, the Washington Water Power Company, and has pending before it a plan of Bond and Share for the distribution by it of the shares of stock of the Washington Water Power Company to be received in the distribution by American.

On September 6, 1949, Bond and Share filed an application for approval of a plan setting forth a program of future operations and also requesting relief from its commitment to dispose of the 2,870,653 shares of the common stock of United Gas Corporation ("United"). These shares were acquired by Bond and Share pursuant to application filed by it in the course of reorganization proceedings of Bond and Share's then subsidiary, Electric Power & Light Corporation, subject to a commitment to dispose of said shares within one year but reserving the right to seek relief from that commitment in appropriate proceedings before the Commission.

In 1951, pursuant to a rights offering made by United, Bond and Share acquired, subject to the foregoing commitment, additional United stock so that it now holds 3,165,871 shares or 27.01 percent of those oustanding.

On October 14, 1949, the Commission issued its notice of and order for hearing (Holding Company Act Release No. 9416), ordering that hearings be held on the application of Bond and Share, reinstituting proceedings under sections 11 (b) (1) and 11 (b) (2) directed to Bond and Share, and consolidating the proceedings. That notice and order directed that at the hearings to be held attention be directed solely to the issue concerning the right of Bond and Share to acquire the stock of United, for retention, and reserved for further hearings and determination the remaining issues then specified, without prejudice to the Commission's specifying additional mat-

ters and questions, all as set forth in the said notice and order for hearing.

After hearings, briefs and argument, the Commission, on February 6, 1952, issued its findings and opinion and order (HCA Release No. 11004).

The findings and opinion stated, in part:

On the basis of the foregoing, we conclude that there is no basis for relieving Bond and Share from its commitment to dispose of its United stock. We find that Bond and Share may not acquire or retain such holdings and that its application for an exemption should be denied. Accordingly, Bond and Share must proceed to take appropriate steps for the disposition of its holdings of United stock. However, nothing in this opinion should be construed as approving or disapproving Bond and Share's program to become an investment company or as precluding the adoption, in connection with such program if approved, of an appropriate method of expeditiously disposing of the United securities consistent with such investment company program and as and to the extent required under the standards of the act.

The accompanying order concluded:

It is ordered, That Bond and Share's aforesaid request for relief from its commitment to dispose of its holdings of United common stock and the aforesaid request for an exemption under sections 3 (a) (3) and 3 (a) (5) of the act be and they hereby are denied, and that Bond and Share be and it hereby is directed to proceed to take appropriate steps for the expeditious disposition of its aforesaid holdings of the common stock of United.

On April 4, 1952, Bond and Share filed a petition for review of the Commission's order in the Court of Appeals for the District of Columbia Circuit pursuant to section 24 (a) of the act. On April 28, 1952, Bond and Share filed with the Commission an application for approval of a plan proposing, in general, that it become an exempt holding company holding the securities of American & Foreign Power Company, Inc. ("Foreign Power") and Ebasco Services, Incorporated ("Ebasco") and 9.98 percent of the common stock of United, and setting forth, among other things, a program for the disposition of the remaining shares of the United stock held by it. By reason of the pendency of the appeal and the filing of this plan, the Commission, on May 2, 1952, issued an order inviting argument before it on the question of the procedure to be following under the circumstances. Argument was held on June 9, 1952, and the Commission has this day issued its memorandum opinion thereon. Prior to that argument, Bond and Share filed a Statement of Position, revising its program for the distribution of the United stock and stating that an amendment would be filed to its plan proposing that Bond and Share retain less than 5 percent of the common stock of United and that it would distribute 656,250 shares of the United stock to the stockholders of Bond and Share in the year 1952. That amendment has since been filed as the instant plan.

The plan, generally, provides:

1. Bond and Share will dispose of an amount of the common stock of United (not less than 2,598,750 shares) which will reduce Bond and Share's holdings thereof to less than 5 percent of the total outstanding by the end of the year 1955, as more fully described below.

2. Bond and Share will retain its entire investment in Ebasco and its investment in Foreign Power subject to the sales and possible purchases of Foreign Power stock discussed below.

3. Bond and Share will dispose of its holdings of the common stock of the Southern Company and American, or the securities distributed by American, during the year 1952.

4. Bond and Share will use proceeds derived from the disposition of properties, and other funds, for investment in new or established enterprises, subject to the limitations discussed below.

5. Bond and Share requests an exemption from the provisions of the act except section 9 (a) (2) thereof, upon condition that Bond and Share will either register as an investment company under the Investment Company Act of 1940, or will otherwise subject itself to the provisions of said act, to the extent, and in a manner approved by the Commission; such exemption to become effective automatically when Bond and Share shall have made the dispositions heretofore described and shall have reduced its holdings of United Stock below 5 percent.

6. Bond and Share also requests the issuance of an interim exemption order prior to the issuance of any order approving the plan permitting Bond and Share forthwith to commence its investment program.

Bond and Share proposes to dispose of not less than 2,598,750 shares of the common stock of United as follows:

Year of disposition	Method of disposition			Total dispositions
	Distributions		Rights offerings	
	Capital	Dividends		
	Shares	*Shares*	*Shares*	*Shares*
1952	656,250		525,000	1,181,250
1953		210,000	525,000	735,000
1954		210,000	262,500	472,500
1955		210,000		210,000
Total	656,250	630,000	1,312,500	2,598,750

The proposed capital distribution for the year 1952 will be at the rate of one share of United stock for each eight shares of Bond and Share stock held. This distribution will be made on a distribution date which shall be as soon as practicable, but not more than ninety days after approval of the plan by the Commission, and by an enforcement court if Bond and Share requests court enforcement of the plan. Such distribution will be accomplished by Bond and Share's mailing certificates for the appropriate number of full shares of United stock to the holders of record of Bond and Share stock at the close of business on the Record Date, and such stock will be registered in the respective names of such record holders of the Bond and Share stock. No fractional shares of the United stock will be issued in such distribution, but in lieu thereof Bond and Share will instruct its distribution agent to sell, for the account of Bond and Share stockholders entitled thereto, the number of shares which would otherwise be deliverable as fractional shares, and to pay to the stockholders entitled thereto the gross proceeds from such sale.

In the calendar years 1953, 1954, and 1955, Bond and Share proposes to distribute as dividends to its stockholders that number of shares of United Gas common stock the market value of which at the time or times of the declaration of the dividends will aggregate approximately 90 percent of Bond and Share's estimated net income for the calendar year in which such dividends are declared. It is estimated that by the payment of dividends as provided in this paragraph Bond and Share will dispose of approximately 210,000 shares of United Gas stock in each of the calendar years 1953, 1954, and 1955, a total of 630,000 shares.

During the years 1952, 1953, and 1954, Bond and Share will offer to its stockholders rights to purchase common stock of United at prices which will be not less than 25 percent below the market prices prevailing at the times for such offerings. The rights offerings in the years 1952 and 1953 will be on the basis of one share of United stock for each ten shares of Bond and Share stock, and in the year 1954 will be on the basis of one share of the United stock for each twenty shares of Bond and Share stock. The right to purchase stock will be evidenced by transferable purchase warrants. Subscriptions will be accepted only for full shares of the United stock, and Bond and Share will provide facilities whereby holders may purchase sufficient rights to enable them to subscribe to one full share, or to sell such rights as are less than the number necessary to subscribe to one full share. The plan provides that should not less than 85 percent of the stock offered at such time be subscribed for at the conclusion of the offering period, holders of Bond and Share stock, who have not exercised or sold their warrants, will be paid the cash amount representing the value of their warrants based upon either the final average price received by the subscription agent in connection with the sale of rights on the last day of the offering period, or, in the alternative, the amount received from the actual sale of such rights less expenses incurred or calculated.

The schedule of dispositions heretofore set forth is calculated upon economic conditions and market levels prevailing as of the time of filing of the plan. Should there be any deviation from the schedule heretofore set forth so that Bond and Share has not disposed of the number of shares set forth, it will, prior to December 31, 1955, sell such number of shares of the United stock as will be necessary to bring its holdings of that stock to below 5 percent at that time.

In the event United shall, during the period in which Bond and Share contemplates making these dispositions, offer additional shares of its comon stock to its stockholders, Bond and Share proposes to have the right to purchase its proportionate amount of such stock provided that it will dispose of any such additional shares acquired to the extent necessary to bring its holdings at December 31, 1955 down to less than 5 percent of any

such additional stock issued in addition to the 567,031 shares it proposes to retain.

In order to utilize its potential capital losses, Bond and Share contemplates sales of the Foreign Power stock from time to time. In that way, it states, tax losses will be realized which may equal or exceed the then current year's ordinary income of Bond and Share, and dividends paid by Bond and Share in such years would not be taxable as ordinary income. Bond and Share contemplates that purchases of Foreign Power common stock may also be made and requests exemption from any requirement of filing applications with the Commission with respect to such sales or purchases, but states that purchase of the Foreign Power stock would not be made until advance public notice of such purchase had been given by Bond and Share in a manner satisfactory to the Commission. The plan also provides that Bond and Share will file with the Commission monthly reports relating to any purchases or sales of the Foreign Power stock made by Bond and Share during the preceding calendar month. It also provides that Bond and Share will not purchase any senior securities of Foreign Power without permission of the Commission.

In connection with the investment program of Bond and Share, the plan provides that Bond and Share will make no investment in securities of any domestic holding company or domestic public utility company which will make such company an affiliate of Bond and Share. Additionally, Bond and Share will make no purchases of any voting securities of any holding company or public utility company in the United States, which company was formerly a direct or indirect subsidiary of Bond and Share except that Bond and Share may purchase stock of United as heretofore discussed. The plan also provides that Bond and Share, without prior approval of the Commission, will not purchase any voting securities of any domestic holding company or domestic public utility company, except as previously noted concerning Foreign Power and United, to which Ebasco is currently rendering service except with permission of the Commission, and that Ebasco will not render any service to any domestic holding company or domestic public utility company (except United and Foreign Power) of which Bond and Share owns any voting securities.

Bond and Share requests that the Commission modify its order of November 21, 1950, concerning the tripartite contract among Bond and Share, United and National Research Corporation so as to remove any impediments to the continued participation in that contract by Bond and Share.

Bond and Share will submit an amendment to the plan to reflect certain modifications in its charter.

The plan contains provisions for modifications, withdrawal and changes in the manner or method of carrying out the plan. Additionally, Bond and Share reserves the right, at any time prior to approval of the plan, to file appropriate applications and declarations with the Commision to separately effect certain of the transactions proposed in the plan. Any transactions thus separated and consummated pursuant to Commission approval shall have the effect of withdrawing that particular transaction from the plan.

The Commission considering that the application and plan raise issues that should not be resolved to prior to notice and opportunity for hearing with respect thereto; and

It also appearing appropriate that the hearings heretofore held on the application of Bond and Share, dated September 6, 1949, be made part of the proceedings herein and that the issues reserved in the notice and order for hearing in connection therewith, dated October 14, 1949 (Holding Company Act Release No. 9416), are now appropriately the subject of exploration in these proceedings, and it appearing appropriate that evidence be taken in connection therewith:

It is hereby ordered, That hearings in the above-entitled consolidated proceedings shall be held on July 9, 1952, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before July 7, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examinaton of the application and plan and that upon the basis thereof the following matters and questions are presented for consideration, in addition to the issues reserved in Holding Company Act Release No. 9416, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the plan as submitted, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, and whether any further action should be taken by the Commission in order that Bond and Share shall fully comply with the provisions of that section of the act;

2. Whether the plan, as submitted, or as it may be modified, is fair and equitable to the persons affected thereby, and what further action, if any, is necessary by the Commission in order to make such plan fair and equitable to the persons affected by it;

3. Whether the dispositions of the common stock of United as proposed by Bond and Share are in accordance with the applicable standards of the act, and the Commission's orders thereunder, and whether such dispositions constitute fair and equitable treatment to the stockholders of Bond and Share;

4. Whether, in connection with the transactions proposed, there will remain any affiliated relationship as defined in the act between United and Bond and Share;

5. Whether the Commission should grant Bond and Share's application for an interim order allowing it to proceed to make investments as proposed prior to approval of the plan.

6. Whether the application for exemption requested by Bond and Share, pursuant to section 3 of the act, should be granted, and, if so, what terms and conditions, if any, should be imposed in the public interest or the interest of investors or consumers;

7. Whether the plan provisions concerning investments by Bond and Share in certain holding company and utility situations are appropriate under the standards of the act and, if not, what terms and conditions should be imposed in connection therewith;

8. In the event the Commission shall approve the plan, what restrictions, if any, should be imposed in connection with the relationships between Bond and Share and United;

9. Whether the Commission should grant Bond and Share's request to modify the order of November 21, 1950, concerning the National Research Corporation contract, and, if so, what further terms or conditions, if any, should be imposed in connection therewith;

10. Whether the Commission should adopt the plan as submitted, or as it may be modified, or whether another plan to achieve compliance by Bond and Share with the standards of section 11 (b) of the act should be proposed and/or approved by the Commission;

11. Generally, whether the transactions proposed in the plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder; and, if not, what modifications should be required to be made therein, and what terms and conditions, if any, should be imposed to satisfy the applicable statutory standards.

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions, or matters, herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly and expeditious disposition of the matters involved in accordance with the standards of the act.

It is further ordered, That notice of this hearing be given by registered mail to Bond and Share, to United, and to parties and participants who have previously appeared herein, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all

persons by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Bond and Share shall give notice of this hearing to all its security holders (in so far as the identity of such security holders is known and available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6836; Filed, June 23, 1952; 8:52 a. m.]

[File No. 812-790]

CANADA GENERAL FUND, INC.

NOTICE OF APPLICATION

JUNE 20, 1952.

Notice is hereby given that Canada General Fund, Inc. (the "fund"), a Delaware corporation which is a registered investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting certain transactions described herein from the provisions of sections 13 (a) (1), 14 (a), 15 (a), 16 (a), 22 (e) and 32 (a) (2) of the act.

The application states that the fund has registered under the act as a diversified, closed-end, management investment company with an authorized capitalization of 5,000,000 shares of capital stock, $1.00 par value, none of which is outstanding, the fund has not issued or received any subscriptions for any stock and has no assets. It has the power to invest in securities of issuers organized in Canada, in securities of issuers wherever organized whose principal activities are in Canada, and in United States and Canadian government securities.

The fund requests an order of the Commission under section 6 (c) of the act exempting the fund (1) from the requirements of section 14 (a) of the act in order to permit an initial offering of securities at a time when the fund has no assets; (2) from the requirements of section 13 (a) (1) of the act in order to permit the fund to change its classification from that of a closed-end to an open-end investment company without a stockholder vote; (3) from the requirements of sections 15 (a), 16 (a), and 32 (a) (2) of the act so that the fund may operate for a limited period without stockholder approval of an investment advisory contract, without stockholder election of directors, and without stockholder approval of the selection of independent public accountants, until the stockholder approval required by said sections 15 (a), 16 (a) and 32 (a) (2) can be obtained with respect to these matters at an annual meeting of stockholders to be held in September 1952; and (4) from the requirements of section 22 (e) of the act to the extent necessary to allow the directors to suspend the right of redemption of shares of the fund upon the closing or restriction of trading upon the Toronto Stock Exchange or the Montreal Stock Exchange.

The fund states that it proposes to make a public offering of its capital stock through the underwriters in an amount to net the fund at least $5,000,000. Thereafter, the fund proposes to become a diversified, management investment company of the open-end type pursuant to a vote of the board of directors upon completion of the original public offering. The underwriting agreement will require the fund to change from a closed-end to an open-end status not later than five full business days after the settlement date, which must occur not later than 30 days after the effective date of the initial registration of shares under the Securities Act of 1933. The underwriting agreement will further provide that the fund may not invest its funds earlier than five business days following the date upon which the fund becomes an open-end company. It is asserted that it will be advantageous for the fund to make its initial offering of shares as a closed-end issuer since if the fund initially sold its shares as an open-end company, certain provisions of the Rules of Fair Practice of the National Association of Securities Dealers would prevent the underwriters from giving a firm commitment or conducting stabilizing operations during the distribution period.

The fund proposes that the underwriters will agree that if any shares are taken, the underwriters will take down for distribution to the public sufficient shares that the fund will receive a net amount of at least $5,000,000. It is asserted that the fund will in this manner be assured of commencing business as an investment company with assets substantially in excess of the $100,000 required by section 14 (a) (1) of the act.

Prior to beginning operation as an investment company, the fund will enter into a contract for the investment advisory and management services of Boston Management and Research Company and into a contract with Vance, Sanders & Co. whereby that partnership will undertake to act as principal underwriter for shares of the fund at such date as the fund may become an open-end company. The fiscal year of the fund ends June 30th and the date of its annual meeting of stockholders is fixed by its by-laws as September 16, 1952. It is proposed to take appropriate stockholder action at the first annual meeting of stockholders with respect to an investment advisory contract, the selection of the fund's independent public accountants, and the election of directors.

Section 22 (e) of the act provides, in part, that no registered investment company shall suspend or postpone the right of redemption of any redeemable security in accordance with its terms for more than seven days after tender except for any period (1) during which the New York Stock Exchange is closed other than customary week-end and holiday closings or (2) during which trading on the New York Stock Exchange is restricted, and except for certain other conditions not herein relevant. The certificate of incorporation of the fund provides that the directors may suspend the right of redemption of the fund's shares for any period during which the New York, Toronto or Montreal Stock Exchange is closed, other than the customary week-end and holiday closings, or during which trading on any one of those exchanges is restricted (as determined by rules of the Commission). The applicant asserts that the Toronto or Montreal Stock Exchange might be closed during a period when the New York Stock Exchange was open and that under such circumstances the general market for securities of Canadian companies might be substantially depressed and reliable quotations might not be available.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may deem necessary or appropriate may be issued by the Commission on or at any time after July 3, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the general rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 1, 1952, at 5:30 p. m., e. d. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL DUBOIS, *Secretary.*

[F. R. Doc. 52-6903; Filed, June 23, 1952; 9:00 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18903]

W. SIQUET

In re: Securities owned by and debts owing to W. Siquet. F-28-31885.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive

Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That W. Siquet, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the persons whose names and addresses are listed in said Exhibit A, and held in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. Four (4) 3 Percent New York City Corporate Transit Unification bonds, due June 1, 1980, having an aggregate face value of $400.00, presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to W. Siquet, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, representing funds allocable to W. Siquet, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Carl M. Loeb Rhoades & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W. Siquet, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Number of shares	Name and address of custodian
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	10	The Chase National Bank, 11 Broad St., New York, N. Y.
Brooklyn-Manhattan Transit Corp., 250 Hudson St., New York 13, N. Y.	25	Do.
Consolidated Edison Co. of New York, 4 Irving Pl., New York, N. Y.	40	Do.
General Electric Co., 1 River Rd., Schenectady, N. Y.	25	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	60	Do.
Harbison-Walker Refract. Co., 1800 Farmers Bank Bldg., Pittsburgh 22, Pa.	25	Do.
Pennsylvania R. R. Co., Broad St. Station Bldg., Philadelphia, Pa.	40	Do.
Detroit Edison Co., 60 Broadway, New York 4, N. Y.	8	Carl M. Loeb Rhoades & Co., 42 Wall St., New York, N. Y.
Kansas Power & Light Co., 808 Kansas Ave., Topeka, Kans.	12	Do.
North American Co., 60 Broadway, New York 4, N. Y.	50	Do.
Potomac Electric Power Co., 929 E St. NW., Washington 4, D. C.	12	Do.
West Kentucky Coal Co., Sturgis, Ky.	5	Do.
Wisconsin Electric Power Co., Public Service Bldg., Milwaukee, Wis.	13	Do.

[F. R. Doc. 52-6867; Filed, June 28, 1952; 8:59 a. m.]

[Vesting Order 18901]

W. VON SCHNITZLER

In re: Securities owned by and debts owing to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler. F-28-2586.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the persons whose names and addresses are listed in said Exhibit A, and held in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Loeb Rhoades & Co., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W. von Schnitzler also known as W. A. von Schnitzler and as Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Number of shares	Type	Name and address of custodian
Jones & Laughlin Steel Corp., Jones & Laughlin Bldg., Pittsburgh 30, Pa.	52		The Chase National Bank, 11 Broad St., New York, N. Y.
Do	12	5 percent cumulative preferred.	Do.
Graham-Paige Motors Corp., 40 Wall St., New York, N. Y.	200		Herzfeld & Stern, 30 Broadway, New York, N. Y.
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	50	$6 "B" preferred stubs.	Carl M. Loeb Rhoades & Co., 42 Wall St., New York, N. Y.
Middle South Utilities, Inc., 2 Rector St., New York 6, N. Y.	61		Do.
United Gas Corp., United Gas Bldg., Shreveport, La.	88		Do.

[F. R. Doc. 52-6865; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18900]

DEUTSCHE INDUSTRIEBANK ET AL.

In re: Debts owing to Deutsche Industriebank and others. F-28-31889, F-28-2943, F-28-4579, F-28-31890.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Industriebank, the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That Allianz und Stuttgarter Lebensversicherungs Ges., the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That Vereinigte Stahlwerke A. G., the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

4. That Ruckversicherung Vereinigung A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, is a corporation, partnership, association or other business organization, organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, and is or, since December 11, 1941, and prior to January 1, 1947, has been controlled by, or a substantial part of the stock of which has been owned or controlled by, directly or indirectly, the aforesaid Ruckversicherung Vereinigung, A. G., and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Deutsche Industriebank and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Industriebank, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Allianz und Stuttgarter Lebensversicherungs Ges. and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is propery which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allianz und Stuttgarter Lebensversicherungs Ges., the aforesaid national of a designated enemy country (Germany);

8. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Vereinigte Stahlwerke A. G. and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelsmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Vereinigte Stahlwerke A. G., the aforesaid national of a designated enemy country (Germany);

9. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, and representing funds on deposit in a block account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any any all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

8. That Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, is and prior to January 1, 1947, was controlled by, or acted for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

9. That the national interest of the United States requires that the persons named in subparagraphs 1, 2, 3, 4 and 5, hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6864; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18902]

ALMA SIEDHOFF AND ANNA BUSCHER

In re: Debts owing to Alma Siedhoff and Anna Buscher. D-28-11016.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.), and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Alma Siedhoff and Anna Buscher, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Mortimer Haas, 261 Broadway, New York, New York, arising out of funds distributed from the Estate of John H. Jachens, deceased, to said Mortimer Haas as attorney in fact for Alma Siedhoff, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Mortimer Haas, 261 Broadway, New York, New York, arising out of funds distributed from the Estate of John H. Jachens, deceased, to said Mortimer Haas as attorney in fact for Anna Buscher, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alma Siedhoff and Anna Buscher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6866; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18904]

L. WENZEL

In re: Securities owned by and debt owing to L. Wenzel. F-28-31886.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That L. Wenzel, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of stock of the Southern Railway Company evidenced by certificates presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to L. Wenzel, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. Those certain Second Stamped 4 percent Hugo Stinnes bonds, due 1946, having an aggregate value of $7,000.00, allocable to L. Wenzel and presently in the custody of Herzfeld & Stern, 30 Broadway, New York, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, L. Wenzel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6868; Filed, June 23, 1952; 8:59 a. m.]